(SRI A. G. RAMACHANDRA RAO.)

STATEMENT—(*contd.*)

Serial No.	Name of District	Number of Municipal High Schools	Number of pupils coming from rural areas	Number of pupils coming from Municipal areas	Construction from District Board
		Rs.	Rs.	Rs.	
10	Kolar ...	6	853	2,189	Rs. 100 per mensem to the Municipal High School, Malur.
11	Mysore ...	6	866	894	Nil
12	Chikmagalur ...	4	153	633	Municipal High School, Koppa : Rs. 500 per annum. Municipal High School, Kadur : Rs. 500 per annum. Municipal High School, Tarikere : Rs. 500 per annum. Municipal High School, Birur : Rs. 500 per annum.

MOTOR VEHICLES (MYSORE AMENDMENT) BILL, 1955.

Motion to consider (contd.)

*ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ (ಸಾಗರ—ಹೊಸನಗರ).—ಈ ಮೋಟಾರು ವಾಹನಗಳ ತಿದ್ದುಪಡಿ ಮಸೂದೆಯಲ್ಲಿ ಕೇವಲ ಎರಡು ತಿದ್ದುಪಡಿಗಳು ಮಾತ್ರ ಇವೆ. ಮೊದಲನೆಯ ತಿದ್ದುಪಡಿ ಎರಡನೆಯ ಕ್ಲಾಜಿನಲ್ಲಿ ಈ ರೀತಿಯಾಗಿ ನಮೂದಿಸಲ್ಪಟ್ಟಿದೆ :

"2. *Amendment of Section 62 of Central Act IV of 1939.*—After clause (*c*) of Section 62 of the Motor Vehicles Act, 1939 (hereinafter referred to as the principal Act), the following word and clause shall be inserted, namely :—

"or

(*d*) pending the decision on an application for the grant or renewal of a stage carriage permit or a public carrier's permit or pending the decision of an appellate authority under Section 64."

ಮೊಳಕಾಲ್ಮುರು ಸದಸ್ಯರು ಈ ವಿಷಯದಲ್ಲಿ ಪ್ರಸ್ತಾಪ ಮಾಡಿ ಕೆಲವು ವಿಚಾರ ಹೇಳಿದ್ದಾರೆ. ಈಗಿರತಕ್ಕಂಥ ಸೆಕ್ಷನ್‌ನಲ್ಲಿ ಸರ್ಕಾರಕ್ಕೆ ಸಾಕಷ್ಟು ಅಧಿಕಾರವಿದೆ; ಎಮರ್ಜೆನ್ಸಿ ಬಂದಾಗ, ಅವಸರದ ಸಂದರ್ಭದಲ್ಲಿ ತಾತ್ಕಾಲಿಕವಾಗಿ ವಾಹನಗಳನ್ನು ಓಡಿಸುವುದಕ್ಕೆ ಪರ್ಮಿಟ್ ಕೊಡಬಹುದೆಂದಿದೆ; ಇದು ಸಾಲದು; ಇದಕ್ಕೆ (*d*) ಉಪನಿಧಿಯನ್ನು ಸೇರಿಸಬೇಕು ಎಂದು ಸರ್ಕಾರದವರು ಅಭಿಪ್ರಾಯಪಟ್ಟಿದ್ದಾರೆ. ಹಾಗೆ ಅಭಿಪ್ರಾಯಪಡುತ್ತಾ ಅವರು ಕಾರಣಗಳನ್ನು ಹೇಳುವ ಕಡೆಯಲ್ಲಿ 62ನೆಯ ಸೆಕ್ಷನ್ ಪ್ರಕಾರ :

"At present, Section 62 of the Motor Vehicles Act does not empower the transport authorities or appellate authorities to grant temporary permits in deserving cases pending disposal of applications for grant of renewal of permits or during the pendency of appeal."

ಎಂದು ಹೇಳಿದ್ದಾರೆ. ಡಿಸರ್ವಿಂಗ್ ಕೇಸಸ್ ಇದ್ದರೆ ಇದರಲ್ಲಿರುವ ಹಾಗೆ ಎಮರ್ಜೆನ್ಸಿಯಲ್ಲಿ ಯಾರಿಗೆ ಬೇಕಾದರೂ ಅವಕಾಶ ಕೊಡಬಹುದು. ಈಗ ನಾನು ನೋಡಿರುವಹಾಗೆ ಹಿಂದಿನಿಂದ ಸಾಮಾನ್ಯವಾಗಿ ಅಮಲ್ದಾರರು ಒಂದು ಲೈನಿಗೆ ಟೆಂಪೊರೆರಿಯಾಗಿ ಪರ್ಮಿಟ್ ಕೊಡುತ್ತಾರೆ. ಅದರಂತೆ ಎರಡು-ಮೂರು ತಿಂಗಳು ಓಡಾಡಿಸುವುದು ಒಂದು ರಸ್ತೆ ಬಿಟ್ಟು ಬೇರೊಂದು ರಸ್ತೆಯಲ್ಲಿ ಶುರು ಮಾಡುವುದು ಹೀಗೆ ಮಾಡಿ ಒಬ್ಬ ಮನುಷ್ಯನು ಹಂಗಾಮಿಯಾಗಿ ತಾತ್ಕಾಲಿಕವಾಗಿ ಕೆಲವು ಕಾಲ ತಳ್ಳುತ್ತಾನೆ. ಇದರಿಂದ ರೆಗ್ಯುಲರ್ ಸರ್ವಿಸ್ ಇಟ್ಟುಕೊಂಡಿರುವವರಿಗೆ ಅನೇಕ ವೇಳೆ ತೊಂದರೆಯಾಗುವುದುಂಟು. ಆಮೇಲೆ ಟೆಂಪೊರೆರಿ ಬಸ್ ಲೈನನ್ನು ಟ್ರ್ಯಾನ್ಸ್‌ಪೋರ್ಟ್ ಅಥಾರಿಟಿ, ಸಂಬಂಧಪಟ್ಟ ಅಧಿಕಾರಿಗಳು ಮುಂತಾದ

ವರ ಪರಿಚಯ ಮಾಡಿಕೊಂಡು ಖಾಯಂ ಮಾಡಿಸಿ ಕೊಳ್ಳುತ್ತಾರೆ. ಇದರಿಂದ ಮೊದಲು ಯಾರು ಸರ್ವಿಸ್ ನಡೆಸುತ್ತಿರುತ್ತಾರೋ ಅವರಿಗೆ ತೊಂದರೆ ಯಾಗುವುದುಂಟು. ಅಲ್ಲದೆ ಖಾಯಂ ಆದಮೇಲೆ ಮೊದಲು ಬಸ್ಸನ್ನು ಯಾರು ಇಟ್ಟಿದ್ದರೋ ಅವರು ಓಡಿಸುವುದಕ್ಕೆ ಅರ್ಧಗಂಟೆ ಮುಂಚೆ ಓಡಿಸಲು ಅವಕಾಶ ಪಡೆಯಲು ಪ್ರಯತ್ನಪಡುತ್ತಾರೆ. ಹೀಗೆ ಮಾಡುವುದರಿಂದ ಪೈಪೋಟಿಗೆ ಪ್ರಾರಂಭವಾಗುತ್ತದೆ. ಈಗಿರುವ ಕಾಂಪಿಟಿಷನ್ ಮತ್ತು ಅವ್ಯವಸ್ಥೆ ಸಾಲದೆಂದು ಸರ್ಕಾರದವರು ಈಗ ಈ ಅಧಿಕಾರವನ್ನು ಬೇರೆ ಕೇಳುತ್ತಿದ್ದಾರೆ. ಇದರ ಅಗತ್ಯವೇನೂ ಇಲ್ಲ ಎಂದು ನಾನು ಸ್ಪಷ್ಟವಾಗಿ ಹೇಳಬೇಕಾದ್ದಿಲ್ಲ. ಅಲ್ಲದೆ ಬರಿ ಎಮರ್ಜೆನ್ಸಿ ಕಾಲದಲ್ಲಿ ಕೊಡುವುದು ಮಾತ್ರವಲ್ಲದೆ ನಾನು ಒಂದು ಬಸ್ ಲೈನಿಗೆ ಅರ್ಜಿ ಹಾಕಿದರೆ ಸರ್ಕಾರ ಈಗ ನನಗೆ ಒಂದು ಪರ್ಮಿಟ್ ದಯಪಾಲಿಸಿ ಬಸ್ಸು ಓಡಾಡಿಸಲು ಅವಕಾಶ ಕೊಡಬಹುದು. ಇದು ಅಷ್ಟು ಉಚಿತವಲ್ಲ. ಏನೇ ಆದರೂ ಡಿಸರ್ವಿಂಗ್ ಕೇಸ್ ಎಂದು ವಾದಿಸಿದರೆ, ಇಂಥ ಅಧಿಕಾರ ಉಪಯೋಗಿಸುವುದರಿಂದ ಇರುವ ಲೈನಿಗೆ ತೊಂದರೆಯಾಗಬಹುದು. ಇದರಿಂದ ವಿನಾ ಕಾರಣದಿಂದ ಅನೇಕ ತೊಂದರೆ ಉದ್ಭವಿಸಬಹುದು. ಆದ್ದರಿಂದ (*d*) ಕ್ಲಾಜು ಸೇರಿಸುವುದು ನ್ಯಾಯವಲ್ಲವೆಂದು ಹೇಳುತ್ತೇನೆ.

ಈಗ ಮೊಳಕಾಲ್ಮುರುನಿಂದ ಬಂದಿರತಕ್ಕ ಮಾನ್ಯ ಸದಸ್ಯರು ಒಂದು ತಿದ್ದುಪಡಿಯನ್ನು ಕೂಡ ಕಳುಹಿಸಿದ್ದಾರೆ. ಬಹುಶಃ ಸರ್ಕಾರದವರು ಆ ತಿದ್ದುಪಡಿಯನ್ನು ಒಪ್ಪಿಕೊಂಡರೂ ಕೂಡ ಇದರ ಸ್ವರೂಪವೇ ಬದಲಾವಣೆ ಆಗಿ ಕರಪ್ಷನ್, ಫೇವರಿಟಿಸಂ ಇವುಗಳೆಲ್ಲಾ ಸಂಪೂರ್ಣವಾಗಿ ನಿಂತೇಹೋಗುತ್ತದೆ ಎಂದು ಹೇಳುವುದಕ್ಕಾಗುವುದಿಲ್ಲ. ಈಗ ಅಪೀಲು ಹಾಕುವುದಕ್ಕೆ ಅವಕಾಶವಿಲ್ಲದೆ ಇರುವುದರಿಂದ ಬಹಳ ಜನರಿಗೆ ತೊಂದರೆಯಾಗಿದೆ. Section 60 of the Motor Vehicles Act does not at present provide for an appeal against the appellate orders passed by the State Transport Authority. ಈ ವಿಷಯದಲ್ಲಿ ಈಗ ಹೈಕೋರ್ಟಿಗೆ writ ಹಾಕಿ ಅವರು ಕೊಟ್ಟಿರತಕ್ಕ ತೀರ್ಮಾನವನ್ನು ಪರೀಕ್ಷೆ ಮಾಡಬಹುದು ಎಂದು ಕಾಣುತ್ತದೆ. ತಾವು ಹೊಸದಾಗಿ ಸೇರಿಸತಕ್ಕ 64ನೇ ಕ್ಲಾಸನ್ನು ತಿದ್ದುಪಡಿ ಮಾಡಬೇಕು ಎಂದು ಹೇಳಿ ಕೊಟ್ಟಿರುವುದರ ರೀತ್ಯಾ :

> " Any person aggrieved by an appellate order passed under sub-section (1) by any authority, other than the State Government, may within the prescribed time and in the prescribed manner appeal to the prescribed authority which shall give such person and the authority which passed the said order an opportunity of being heard and pass such orders in reference thereto as it thinks fit."

ಈ ವಿಧಿಯಲ್ಲಿ ಬಸ್ ಮಾಲೀಕರಿಗೆ ಅಥವಾ ಅರ್ಜಿ ಹಾಕತಕ್ಕವರಿಗೆ ಒಂದು ಪರಿಹಾರವನ್ನು ಒದಗಿಸಿ ಕೊಡುವುದಕ್ಕೆ ಅವಕಾಶ ಮಾಡಿಕೊಂಡಿದ್ದೀರಿ ಎಂದು ನಾನು ಭಾವಿಸುತ್ತೇನೆ.

ಆಮೇಲೆ ಸೆಕ್ಷನ್ (2) (*d*) ಏನಿದೆ ಇದನ್ನು ಡಿಲೀಟ್ ಮಾಡುವುದು ಒಳ್ಳೆಯದು ಎಂದು ಹೇಳಿ ನನ್ನ ಮಾತನ್ನು ಮುಗಿಸುತ್ತೇನೆ.

Sri M. RAJASEKHARA MURTHY (Yelandur).—Mr. Speaker, this Bill seeks amendment to two important clauses of the Indian Motor Vehicles Act, namely, Sections 62 and 64. Section 62 is considered to be the most mischievous section in the whole of the Indian Motor Vehicles Act. It is mischievous because it is this section which has been mischievously, unscrupulously, indiscriminately, freely and abundantly misused by the various transport authorities, and the executive authorities who have been delegated functions under this legislation. It is mischievous because it is by the misuse of powers under this section that many of the bus owners have been reduced to pauperism. It is mischievous because it has given room for litigation and rendered hardship and suffering on the bus operators. Section 64 purports to enable the bus owners to get justice at the hands of the appellate authorities. Whether these bus owners get justice is not a question of fact but a matter of opinion. Anyhow I do not want to dilate much on this. I sincerely feel that the second appeal is inevitable to the Government whenever there is some irregularity in the procedure or illegality in the action taken by the courts exercising original jurisdiction or whenever there is miscarriage of justice. It is natural that there must be a second appeal to the Government. It is not only our State that has brought an amendment to this section, but even States like Madras, Bihar and Bombay have brought about similar amendments. In Madras, 64A has been added and it reads as follows :

> " The State Government may, of its own motion or on application made to it, call for the records of any order passed or proceedings taken under this Chapter by any authority or office subordinate to it, for the purpose of satisfying itself as to the legality, regularity or propriety of such order or

(SRI M. RAJASEKHARA MURTHY.)

proceeding and after examining such records, may pass such order in reference thereto as it thinks fit."

A similar amendment is made to Section 64 by Bihar Government. 64A of Bihar Motor Vehicles Act reads as follows :

> "The State Government may, on application made to it in this behalf, within thirty days of the passing of the order in the course of any proceedings taken under this Chapter by any authority or officer subordinate to it, call for the records of such proceedings, and after examining such records pass such orders as it thinks fit."

A similar amendment is made in U.P. also which runs to the effect that the State Government may on its own or on application made by the aggrieved party by any order passed under Section 64 call for the relative papers and make such orders as it thinks fit. A similar amendment is proposed to be moved here also. I have no objection so far as amendment to Section 64 is concerned.

I come to Section 62. The point to be considered is whether it is desirable to arm the executive or the quasi-judicial bodies with enormous powers by incorporating an omnibus clause of this kind. In this connection, I would like to state, while legislating, we have to bear in mind certain canons of legislation. One of the canons of legislation is that the legislature, as far as possible, should be conservative in giving much discretionary power either to the executive or to the quasi-judicial bodies. Because, these powers are likely to be misused or abused by these authorities. Therefore, it should not be a piece of legislation which gives much power either to the executive or the quasi-judicial bodies. My friend Sri Bheemappa Naik has made it clear beyond doubt that it would be an act of injustice to arm these executive or the quasi-judicial bodies with enormous discretionary powers by incorporating an omnibus clause of this kind. I perfectly agree with him. My friend Sri Pattabhiraman while making his speech with so much of vehemence made similar reference to certain judgments of several High Courts, particularly of Madras and Rajasthan which have held that issuing of temporary permits under Section 62 is *ultra vires* and illegal by those authorities. The very fact that so many cases have come up before the High Court for adjudication is itself an evidence that these transport authorities have gone beyond the limits of law. No more evidence is required. The Hon'ble Minister while piloting this Bill gave an assurance to this House that these powers will be sparingly, judiciously and scrupulously exercised by these authorities. And there will be no room for nepotism on the part of the officers. I hold quite the opposite view. I will prove it by facts and figures.

1 P.M.

Sri H. SIDDAVEERAPPA (Minister for Home and Industries).—Are you holding quite the opposite view as a legislator or as a bus owner ?

Sri M. RAJASEKHARA MURTHY.—As a legislator plus with the experience of a bus owner.

ಶ್ರೀ ಎಸ್. ಸಿದ್ದಪ್ಪ (ಮಾಗಡಿ).—ಸರ್ಕಾರದವರೇ ಬಸ್ ಮಾಲೀಕರಾಗುತ್ತಿರಬೇಕಾಗಿದ್ದರೆ ಇನ್ನು ಖಾಸಗೀ ಜನರು ಅದರ ಮಾಲೀಕರಾಗಬೇಕೆಂದು ಹೇಳುವುದರಲ್ಲಿ ಏನು ಆಶ್ಚರ್ಯವಿದೆ ?

ಶ್ರೀ ಎಚ್. ಸಿದ್ದವೀರಪ್ಪ.—ಅವರು ಇಂಗ್ಲೀಷಿನಲ್ಲಿ ಮಾತನಾಡುತ್ತಿದ್ದಾಗ ತಾವು 'ಹೌದು-ಹೌದು' ಎಂದು ತಲೆ ತೂಗುತ್ತಿದ್ದಾಗಲೇ ನಾನು ತಮ್ಮ ಅಭಿಪ್ರಾಯವನ್ನು ಅರ್ಥ ಮಾಡಿಕೊಂಡಿದ್ದೇನೆ.

Sri M. RAJASEKHARA MURTHY.—I would like to bring to the notice of the House how these various transport authorities have acted illegally and unscrupulously, taking into account the previous records of these various transport authorities. I am giving figures to convince you about this view. In 1946-47 the total number of permits that were issued was 675. Between 1946-47 and 1951-52 the total number of permits issued by these various transport authorities stood at 750 and between 52-53 and 54-55 the total

number of permits issued by these authorities was 544. Therefore, the total number of permits issued from 46-47 to 54-55 stands at 1,285.

*Sri H. SIDDAVEERAPPA.—That clearly demonstrates the needs of the travelling public and how people have become travel-minded.

Sri M. RAJASEKHARA MURTHY.—The next question is, how these permits have been issued, whether they have acted according to the procedure laid down in the Motor Vehicles Act or whether they have given the permits to proper persons or deserving persons. Out of 1,285 permits issued, about 162 permits have been issued to persons who subsequently surrendered, being unable to run the services and 90 permits have been granted to persons whose who could not run the services permits have been subsequently can- and celled by the Government. The number of persons to whom routes were sanctioned but did not take permits at all, is about 110. The number of permits issued temporarily but were subsequently made permanent is 400. Alternative routes granted to those bus-owners who lost their services consequent on nationalisation only temporarily and later on made permanently is 160. Permits given to persons who are now only rent receivers, allowing others to run the service—they are 100. The total number of permits issued irregularly and to improper persons stands at 1,022. Out of 1,285, 1,022 permits have been issued like this. Only in case of 263 permits, they followed the procedure.

Sri Kadidal MANJAPPA (Minister for Revenue and Public Works).—Including yours!

Sri M. RAJASEKHARA MURTHY.—How ?

Sri H. SIDDAVEERAPPA.—If the Hon'ble Member can give me the list, out of that 100, I give the assurance now only that all those permits will be cancelled. Where did you get those figures ?

Mr. SPEAKER.—I don't agree with the Minister in his reply. It is not the concern of the Hon'ble Member. It has been brought to the notice of the Government. There is the department to take action.

Sri H. SIDDAVEERAPPA.—As a statement of fact I do not agree with him that there are 100 permit holders who are rent receivers. If he shows even one I shall be obliged.

Sri M. RAJASEKHARA MURTHY.—That is not my job.

*Sri H. SIDDAVEERAPPA.—I may tell you that from the last two years I have been making frantic efforts to find out whether there is any truth in this allegation, namely, that there are some people who have benami permits and they are rent receivers. I have contacted all my Deputy Commissioners. Except one case that came to my notice where the permit was cancelled, I was not able to get any other information at all. What is the good of simply saying that everything is bad unless you are able to substantiate ?

Sri H. M. CHANNABASAPPA (Periyapatna).—Because they have not been able to find out, does it mean that it does not exist at all ?

Sri H. SIDDAVEERAPPA.—I hold strongly that it is more an allegation than a fact.

Sri M. RAJASEKHARA MURTHY.—Now I come to the point. Many of these permits, as I have already stated, have been issued to wrong persons even without the procedure laid down in the Motor Vehicles Act. Now I ask the Minister, is it not nepotism, is it not an unscrupulous act, is it not indiscriminate, is it not an act of illegality and is it not ruinous to the bus-owners ? Such being the case, there is neither justification nor wisdom on the part of the Government to obtain the approval of this House for an amendment of this kind which is uncalled for and unwarranted. (*A Member.—Adjectives exhausted*).

Now I come to the next point. The amendment proposed is as follows :

> "Pending the decision on an application for the grant or renewal. . . ."

Suppose this is accepted. What happens ? A person files an application before the R.T.A. for a permit. Along

(SRI M. RAJASEKHARA MURTHY):
with that application he files another application for a temporary permit. Now before issuing a pucca permit, the R.T.A. has to observe certain formalities both under section 47 and section 57(3). Under sections 57(3) and 47, they have to ascertain how many buses are running on the road, whether there is any necessity. . . .

Mr. SPEAKER.—Is it necessary to purchase a bus before he applies for a permit?

Sri M. RAJASEKHARA MURTHY.—He must be in possession of the bus. That is the decision of the High Court. He need not be the owner, but he must be in possession of the bus. But in Madras he must be the registered owner of the bus before he is granted the permit. Now the R.T.A. must find out under sections 57 and 47 whether there is any necessity for additional bus route. In order to find out whether there is any necessity, they must call for the reports by the Engineer to know whether there is proper road. He must call for reports from the Police Department whether there is any necessity for additional bus service,—like this they have to go through all these formalities.

Sri Kadidal MANJAPPA.—From the Public Works Department that the road is good.'

Sri M. RAJASEKHARA MURTHY.—If the Engineer reports that there is no road, then there is no necessity. They must have sufficient time at their disposal to know and assess whether there is any necessity for the traffic. When he makes an application to the R.T.A. for a pucca permit and at the same time applies for a temporary permit, then the R.T.A. issues a temporary permit. That means they have come to the conclusion even before assessing whether there is any necessity for additional bus or not. That means it is going to prejudice the minds of the R.T.A.. If the R.T.A. issues a temporary permit, a man who obtains the temporary permit puts a bus on the road and if the original application for a pucca permit comes before the R.T.A. for consideration, then this man says 'I have sold my property and invested Rs, 20 to 30 thousand on this bus. I have mortgaged all my property; I have pledged all the jewels of my beloved wife. I cannot lose heavily now. I request you to grant me permit.' So he appeals to the heart, not to the mind, not even to the reason of the person. Naturally, the R.T.A. will sympathetically consider the case of such people. Supposing there are four persons and you find a proper person other than the one obtaining a temporary permit, among the four. Then it will prejudice the judgment of the R.T.A. and it will drop out the best man and his case will not be considered.

Sri H. SIDDAVEERAPPA.—To cut short the argument only with regard to this particular point, I quite see the force of that argument expressed by several Hon'ble Members. I believe an amendment has been tabled by the Hon'ble Member from Molakalmuru to eliminate this kind of doubt and if I may say so, I am prone to agree to the amendment. Therefore, this argument may be avoided.

Sri M. RAJASEKHARA MURTHY.—What is taken away by that amendment you are giving in the form of this amendment some more authority to the R.T.A. I will show it to you. Section 64(*f*):

> "being a local authority or Police authority or an association which, or a person providing transport facilities who, having opposed the grant of a permit, is aggrieved by the grant thereof or by any condition attached thereto. . . ."

Suppose Mr. X applies for a permit. Mr. Y objects. In spite of the objection by Mr. Y, Mr. X is granted a permit. Then Mr. Y goes in appeal to the S.T.A. and files an appeal and in the appeal he prays that pending the decision of this appeal, a stay order may be issued. The R.T.A. which is the appellate authority issues a stay order. That means the original *status quo* is restored.

Sri D. DEVARAJA URS (Hunsur).—One interruption. Now the Home Minister is in a mood to accept the amendment of Sri Bheemappa Naik, the amendment may be moved and on

that amendment we may discuss the Bill. That will facilitate the debate and also easy passage of the Bill.

Sri M. RAJASEKHARA MURTHY.—By accepting that amendment, the spirit of this amendment will not be taken away.

Mr. SPEAKER.—After the amendment is moved, you can speak for or against it. That is what the Hon'ble Member suggests.

Sri M. RAJASEKHARA MURTHY.—Thank you very much.

(*Sri Mulka Govinda Reddy rose.*)

Mr. SPEAKER.—In view of the statement made by the Hon'ble Minister, would it not be better to discuss the matter after the amendment is moved?

Sri Mulka GOVINDA REDDY (Chitaldrug).—Even that amendment is not necessary. That is my contention.

Mr. SPEAKER.—When that amendment is moved, you can speak whether it is necessary or not.

*Sri Mulka GOVINDA REDDY.—I would like to offer some remarks regarding the Motor Vehicles (Mysore Amendment) Bill, 1955. In the Statement of Objects and Reasons it is stated:

"At present section 62 of the Motor Vehicles Act does not empower the transport authorities or appellate authorities to grant temporary permits in deserving cases pending disposal of applications for grant or renewal of permits or during the pendency of appeals. Such power is particularly needed when loss or hardship to the parties concerned or inconvenience to the public is likely to be caused if such temporary permit is not granted.

The Motor Vehicles Act in its applicability to the States of Bombay and Madras has been amended making similar provision. It is proposed to amend section 62 of the Motor Vehicles Act in its applicability to Mysore also in a similar manner empowering Government or the concerned transport authorities to grant temporary permits when it is felt necessary to do so."

"Section 64 of the Motor Vehicles Act does not at present provide for an appeal against the appellate orders passed by the State Transport Authority. It is considered necessary that a Second Appeal to the prescribed authority should be provided for, so that relief to parties aggrieved by the appellate orders of the State Transport Authority may be possible."

Section 64 provides for appeals. It says:

"Any person—

(*a*) aggrieved by the State or a Regional Transport Authority to grant a permit or by any condition attached to a permit granted to him, or,

(*b*) aggrieved by the revocation or suspension of the permit or by any variations of the conditions thereof . . . ."

Mr. SPEAKER.—If the amendment is accepted, all the other clauses will not be included except (*a*).

Sri Mulka GOVINDA REDDY.—There is an amendment to Section 64. The amendment is:

"Section 64 of the principal Act shall be re-numbered as sub-section (1) of that section, and after sub-section (1) as so re-numbered, the following sub-section shall be added, namely:—

"(2) Any person aggrieved by an appellate order passed under sub-section (1) by any authority, other than the State Government, may within the prescribed time and in the prescribed manner appeal to the prescribed authority which shall give such person and the authority which passed the said order an opportunity of being heard and pass such orders in reference thereto as it thinks fit."

Sir, previous to 1951, there was the Mysore Motor Vehicles Act in force in Mysore State. Somewhere in June

(SRI MULKA GOVINDA REDDY.)

1952, the Government made the Motor Vehicles Act, 1939 of the Government of India applicable to Mysore State with effect from June 1951 or so; by making the Government of India Motor Vehicles Act, 1939 applicable to Mysore State, certain powers that were vested in certain committees were being entrusted to committees or transport authorities formed under the Motor Vehicles Act, 1939. It is true that the procedure was prescribed for ascertaining whether a particular route is necessary or not and when a route was found to be necessary, applications were called for and the concerned authorities were issuing permits. This was not followed though it was prescribed under the Mysore Motor Vehicles Act till the Government of India Act was made applicable to Mysore State. After this Act was made applicable to Mysore, the Regional Transport Authorities and the State Transport Authority regularised such of those irregularities that were existing then. Sir, after experience, it has been found that the provision under Section 64 regardig appeals is not quite sufficient and there should be second opportunity for the operator to go in appeal to Government where there was miscarriage of justice either on account of some point of law or point of fact. So, regarding the amendment to Section 64 of the Central Act of 1939, I have no objection. I welcome that it is absolutely necessary. Regarding amendment to Section 62, I feel that this amendment is uncalled for. Section 62 empowers the Regional Transport Authority to issue temporary permits. Section 62 reads thus:

> " A Regional Transport Authority may at its discretion, and without following the procedure laid down in Section 57, grant permits, to be effective for a limited period not in any case to exceed four months, to authorise the use of a transport vehicle temporarily—
>
> (a) for the conveyance of passengers on special occasions such as to and from fairs and religious gatherings, or,
>
> (b) for the purposes of a seasonal business, or,
>
> (c) to meet a particular temporary need, and may attach to any such permit any condition it thinks fit."

Sir, this is an emergency Section which can be made use of for emergency purposes. It might have been possible that these powers might have been mischievously misused, as Sri Rajagopala Murthy pointed out, but all the same, these powers are absolutely necessary to meet an emergency. The Government should take care to see that these powers are not misused either by the State Transport Authority or by the Regional Transport Authority or by themselves. Regarding the amendment, I feel there is no need for this amendment. The amendment seeks to empower a prescribed Authority to issue temporary permits under circumstances where there are pending applications for grant or renewal of permits or during the pendency of appeals. They visualise the issue of permits for purposes other than those that, already mentioned under Section 62. One is for the grant of a new permit; when an application is pending for grant of a new permit, they want power to issue a temporary permit; second is renewal of permits. Under renewal of permits, it may look reasonable that an operator who has been running a service for a length of time and when his application is pending for renewal of permit and if that permit is not renewed in time, he should not break the service. Further, he should have an opportunity to continue to operate his bus service. I would like to know why the application for renewal of permits should be pending at all. Renewal of permits is governed by Section 58, which is as follows:—

> " *Duration and renewal of permits.*
>
> (1) A permit other than a temporary permit issued under section 62 shall be effective without renewal for such period,

not less than three years and not more than five years as the Regional Transport Authority may in its discretion specify in the permit:

Provided that in the case of a permit issued or renewed within two years of the commencement of this Act, the permit shall be effective without renewal for such period of less than three years as the State Government may prescribe.

(2) A permit may be renewed on an application made and disposed of as if it were an application for a permit:

Provided that, other conditions being equal, an application for renewal shall be given preference over new applications for permits."

In this proviso, it has been clearly stated that applications for renewal shall be given preference over new applications for permits. So far, I do not think any case has arisen in Mysore State where an operator who held a permanent or *pucca* permit applied for renewal of permit and his application was refused. Sir, even for renewal of permit, this is a procedure prescribed and he further says that the renewal of permit application should be made and disposed of as if it were an application for permit. An application for a permit is governed by Section 57, which is as follows:—.

"*Procedure in applying for and granting permits.*

(1) An application for a contract carriage permit or a private carrier's permit may be made at any time.

(2) An application for a stage carriage permit or a public carrier's permit shall be made not less than six weeks before the date on which it is desired that the permit shall take effect, or, if the Regional Transport Authority appoints dates for the receipt of such applications, on such dates.

(3) On receipt of an application for a stage carriage permit or a public carrier's permit, the the Regional Transport Authority shall make the application available for inspection at the office of the Authority and shall publish the application or the substance thereof in the prescribed manner together with a notice of the date before which representations in connection therewith may be submitted and the date, not being less than thirty days from which, the application and any representations received will be considered.

(4) No representation in connection with an application referred to in sub-section (3) shall be considered by the Regional Transport Authority unless it is made in writing before the appointed date and unless a copy thereof is furnished simultaneously to the applicant by the person making such representation."

Sir, when an operator is running a service, he is given a permit in which the date on which it expires is given. Here it is provided that he may apply for renewal of his permit at any time he chooses and at least six weeks prior to the date of the expiry of the permit.

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So, it is obligatory on the operator to put in his application six weeks prior to the date on which it expires. And when he makes an application to the R.T.A., the R.T.A. will publish that so and so has applied for the renewal of the permit and it is obligatory on the part of the R.T.A. to meet 30 days after the date on which the application is made and before six weeks has expired from the date on which the application is made. So, there is no difficulty at all for the Regional Transport Authority to renew the permit within time. As has been pointed out by me, under Section 58, the old operators will have a preference over new applicants for such routes. When such is the

(SRI MULKA GOVINDA REDDY.) position, I really cannot understand the propriety or the need for this amendment.

Sir, it is peculiar to Mysore State that after the introduction of Government Road Transport in certain routes in Mysore, Government of Mysore have not been issuing pucca permits. They are issuing permits for a period of 3 months and even after the application of the Central Act in Mysore, they are continuing to issue permits valid for 3 months.

Sri H. SIDDAVEERAPPA.—There is an amendment to it which has already been given effect to. Perhaps you are aware of it.

Sri Mulka GOVINDA REDDY.—Sir, according to Section 58, "A permit other than the temporary permit issued under section 62 shall be effective without renewal for such period not less than 3 years and not more than 5 years, as the Regional Transport Authority may in its discretion specify in the permit."

Sri H. SIDDAVEERAPPA.—No doubt section 58 is to the effect that a permit will have to be for a period not less than 3 years, but there is an amendment to that section. It has been agreed to by the President, *viz.*, in Mysore, we have continued the practice of renewing this permit for a period of 3 months. Therefore there is nothing illegal about it.

Sri Mulka GOVINDA REDDY.—When was that amendment placed before this House ?

Sri H. SIDDAVEERAPPA.—There is a legal amendment passed.

Sri Mulka GOVINDA REDDY.—Even if the amendment is accepted, according to section 57, there will be ample time for the Regional Transport Authority or the State Transport authority to renew the permit of the old operator.

Sri H. SIDDAVEERAPPA.—Imagine a case where the authority which has an obligatory duty, refuses or fails to perform that duty. Just as the case of a court which commits a mistake (it is an inherent right to commit mistakes) likewise in this case, if the R.T.A. which has to meet and consider does not do so, should there be no remedy ?

Sri Mulka GOVINDA REDDY.—The R.T.A. has no business to commit such mistakes. That is illegal on the part of the R.T.A. to commit such mistakes.

Sri H. SIDDAVEERAPPA.—Even though it is illegal, should there be no remedy ?

Sri Mulka GOVINDA REDDY.—There is some procedure prescribed under section 47 for the Regional Transport Authority while considering applications for such stage carriage permit, when an application is pending for grant of a temporary permit in deserving cases, pending disposal of applications for grant or renewal of permits. Under Section 47, it is stated :

> '(1) A Regional Transport Authority shall, in deciding whether to grant or refuse a stage carriage permit, have regarding to the following matters, namely :—
>
> (*a*) the interest of the public generally ;
>
> (*b*) the advantages to the public of the service to be provided, including the saving of time likely to be effected thereby and any convenience arising from journeys not being broken ;
>
> (*c*) the adequacy of existing road passenger transport services between the places to be served, the fares charged by those services and the effect upon those services of the service proposed ;
>
> (*d*) the benefit to any particular locality or localities likely to be afforded by the service ;
>
> (*e*) the operation by the applicant of other transport services and in particular of unremunerative services in conjunction with remunerative services ; and
>
> (*f*) the condition of the roads included in the proposed route or routes. . . ."
>
> and shall also take into consideration any representations made by persons already providing road transport facilities along or near the proposed route or routes. . . ."

Sir, under this section, a route will have been sanctioned and when once a route has been sanctioned, there is a particular procedure prescribed for grant of permits. Anybody who is interested in running either a bus service or a lorry service may put in his application and when his application is pending before the Regional Transport Authority, what propriety is there for the Regional Transport Authority to issue a temporary permit to one of the applicants? There might be four or five applicants for the same route and if one is preferred by the Regional Transport Authority to issue a temporary permit in favour of one of the four or five, to that extent they will have been prejudiced and they will have been biased in favour of that applicant as against the other remaining four.

Sri H. SIDDAVEERAPPA.—You need not develop that argument. I will give you a bit of my mind.

Sri Mulka GOVINDA REDDY.—There is need for this, Sir. And again during the pendency of the appeals, this also is unnecessary, though I concede that it is reasonable to issue a temporary permit where the renewal of permit has not taken place. If the R.T.A. and S.T.A. follow these sections, there is no need even for this amendment.

Sir, I would strongly urge that the Government should take care to see that these committees or the authorities which are quasy-judicial bodies function properly.

Sir, I must say one word regarding the constitution of these transport Committees.

Mr. SPEAKER.—It should not be outside the scope of the amendment.

Sri Mulka GOVINDA REDDY.—It is within the scope of this Bill. The Hon'ble Minister was pointing out that there might be some cases where the Regional Transport Authority has failed to function or failed to perform its duties according to the rules or provisions of the Act. Sir, these are quasi-judicial bodies. When we appoint the members to this quasi-judicial bodies, Government should take care to see that members who can be deemed to successfully carry out the functions under the Act should be appointed. If they appoint all sorts of people, as they have done in constituting these committees, to both the S.T.A. and the R.T.A. it is quite possible that they may not function as they are asked to function under the Act.

Mr. SPEAKER.—If there is error of judgment, the appellate authority is there to rectify. Even in judicial bodies where efficient jurists are put in, even there the appellate authority is required.

Sri Mulka GOVINDA REDDY.—I quite agree, Sir, but if we put in all sorts of people on the committees, can we expect justice from those people? I would only urge the Government that while constituting these committees, proper persons should be appointed; and these committees should not be unwieldy. It should not be a place where all sorts of people are brought in just to please some persons because of some political affiliation or some other consideration.

Mr. SPEAKER.—Now the Minister will reply.

*Sri H. SIDDAVEERAPPA.—Sir, I expected that this Bill would not raise such a long discussion. Because I thought, the two amendments I proposed by this amending Bill were perfectly innocuous and meant only to regularise the procedure that is already in existence today. We may just remember that the powers sought to be made by this amending Bill are already exercised by those authorities today and these amendments are sought to be made only by way of abundant caution to see that no room should be given to any quarter to complain that the procedure is not correct. With this end in view, I brought this amending Bill. Now, I find going through the discussions in this Hon'ble House that there is really one point if at all, which deserves to be seriously noticed. I agree with the Hon'ble Members when they say that no room should be given for an act which may even have the semblance of some kind of preference, I do not say, favouritism or nepotism or things like that,

Sri P. R. RAMAIYA (Basavanagudi).—For the proper understanding of this Bill, I want to know if the Section 62 of the Central Act is not only for purposes of giving permits for 4 months or so. The purpose is "(*a*) for the conveyance of passengers on special occasions such as to and from fairs and religious gatherings, or (*b*) for the purposes of seasonal business, or (*c*) to meet a particular temporary need, and may attach to any such permit any condition it thinks fit." Is it not so, Sir?

Sri H. SIDDAVEERAPPA.—Yes.

Sri P. R. RAMAIYA.—Therefore, I find that there should not be any delay in granting of permits. In order to obviate any delay, the Government should have some power to meet the need of the temporary occasions.

Sri H. SIDDAVEERAPPA.—The object of this amendment is to enlarge the scope of section 62. Under Section 62, there are only three categories as mentioned in sub-clauses (a), (b) and (c), under which alone a temporary permit can be given for a period not more than four months. Now by this amendment, it is sought that a further clause may be introduced wherein temporary permit may be given not only under conditions mentioned in sub-clauses (a), (b) and (c) but also under sub-clause (d). In other words, it is attempted to amplify the scope of section 62 by this amending Bill. That is all the purpose.

I believe, Sir, I was at the point wherein my Hon'ble friend from Molakalmuru was telling that no room should be given for any kind of favouritism. After having gone through the discussion and the opinions expressed by Hon'ble Members, I believe, there is some force, and substance in that argument, because it is very likely that if a temporary permit is given for a route which is advertised, when a permanent permit will have to be issued however much we may say that we have added a condition and things like that, he may come forward at least on the grounds of equity or other grounds stating that 'I have invested a large sum of money, therefore, my case may be considered.' In such cases, we will have to consider his case favourably. Therefore, I believe, except that point in the amendment, *viz.*, whether a temporary permit may be given in a case where a person has applied for a permanent line. There is no other controversial point. As a matter of fact, today, it so happens,—I do not want to repeat it as I said it the other day,—that the S. T. A. has passed a general resolution and that cannot be stopped. I cannot by an executive order say that your resolution passed is improper, as they are quasi-judicial bodies. Any person affected by an order can only apply for relief by way of appeals under rules as laid down under the Act and then challenge the provision. I cannot say, 'You are not correct in having passed such and such a resolution'; I cannot say that *suo motu*. As a matter of fact I have not got powers of revision. As was read out by the Hon'ble Member Sri M. Rajasekhara Murthy, in various States they have powers of revision. As the Hon'ble House is aware, powers of revision are much more enlarged than the restricted powers under appeal. If you have the powers of revision, you can *suo motu* call for records from any authority and pass orders as you deem fit. We have no such power of initiative. Government have no power of calling for records from any court or authority. They can only look into it if the aggrieved party asks the Government by way of appeal and if he says: 'Please interfere, there is some miscarriage of justice'. I have already stated, there may be sufficient grievance where the S.T.A. has refused to issue temporary permits under any circumstances. I am aware during the last 12 months, they have not issued a single temporary permit. They seem to be thinking that if they issue temporary permits, their headache may increase. What is wanted is the correct exercise of jurisdiction. If any party aggrieved against such an order comes in appeal to Government and if, in a deserving case, Government feel that temporary permit has to be issued, Government cannot and should not say 'We cannot interfere'. Today Government are interfering in very many

cases. Sri Rajasekhara Murthy stated this order is capricious and he used all sorts of epithets I would like to tell him, today when everybody is so self-conscious about his rights and privileges I am quite sure nobody will keep quiet if any of these authorities,—may be the R. T. A., the S. T. A. or the Government—if any of the authorities has done an act which is manifestly unjust, illegal or irregular. I am sure such orders would be the first to be challenged in courts of law, as has been done in one or two cases. I am glad to say that every authority has been exercising these powers in a most judicial manner and in a manner so as not to give room or cause for irritation. may be in a local case, there may be some inconvenience. It is quite natural for any person like Sri Rajasekhara Murthy to be aggrieved if his line is affected. But in generality of cases, I am quite definite and I have no doubt in my mind—may be that the composition of the R. T. A. or S. T. A. is unwieldy—that every one of them has exercised its rights and powers in a most judicious manner. I am quite prepared to own it here on the floor of this House.

With regard to the powers exercised by the Government, I have already stated that Government have no powers of original jurisdiction. Government can interfere only if there is a proper appeal in a court of law and as mentioned under section 64. The whole trouble appears to be with regard to the issue of temporary permits. If I have understood the sense of the House correctly, nobody has any grievance regarding the powers the Government ought to get under section 64 and I thank the House for it.

I am sure that with this explanation, I am able to satisfy the Hon'ble House that this amendment is very necessary. As a matter of fact, I have not called for any revisional powers by way of this amendment. It may be noted that Sri Rajasekhara Murthy said what was obtaining in Madras. He did not read the Bombay provisions. Madras, Bombay and U.P. have got revisional powers, whereas in Orisa, they have only appellate powers and they have powers to interfere only when there is an application, not otherwise. I believe, Sir, these powers have been sought only after gaining experience of the working of this Act for the last two or three years. As I have said, the S.T.A. have recommended that such power is necessary by way of clarification. And I should not have brought forward this amendment if there was no necessity to clothe the Government with a power of this kind.

As a matter of fact, if I may bring to your kind notice, there are some authorities which say that Government have no powers. There are certain others which say Government have powers. For instance, Sir, in A.I.R. 1948 Madras 400, it is held that grant of temporary permits for purpses other than those expressly provided for in section 62 is improper. In A.I.R. 1951, Allahabad 151 which is a Full Bench case, they have held that the R.T.A. can grant temporary permits only for one of the articles enumerated in section 62 and granting temporary permits for reasons other than those specified in section 62 is clearly irregular. Whereas in A.I.R. 1953, Assam 74 it has been held that the Madras Ruling is not correct. Likewise there are various decisions and even High Courts themselves are not agreed on this point. I thought that instead of taking a decision from a court in a given case, it would be better if we ourselves clarify the position. I believe the amendment is necessary, innocuous and is not intended to curtail or results in any inconvenience to gentlemen like Sri Rajasekhara Murthy or Sri Solur Siddappa. They need not have any doubt about it.

I pray that the House may be pleased to accord its approval to this Bill.

Mr. SPEAKER.—The question is:

"That the Motor Vehicles (Mysore Amendment) Bill, 1955, be taken into consideration."

The motion was adopted.

Mr. SPEAKER.—The Bill will now be taken up clause by clause. Clause 2, there is an amendment in the name of the Hon'ble Member for Molakalmuru.

Sri A. BHEEMAPPA NAIK.—Sir, I am thankful to the Almighty God who in his abundant mercy has shed kindly light on the Hon'ble Member of the opposition from Hosanagar and Sagar and also on the Hon'ble Minister for having the sound wisdom to accept this amendment and also to understand the danger underlying in the amendment of the Hon'ble Minister. . . .

Mr. SPEAKER.—The Hon'ble Member will move the amendment first.

Sri A. BHEEMAPPA NAIK.—Yes, Sir, I am saying this only by way of preface. Sir, I move my amendment which reads thus :

> 'That for the proposed clause (*d*) of section 62, the following clause shall be substituted, namely,—
>
> "(*d*) pending the decision on an application for the renewal of a stage carriage permit or a public carrier's permit or pending the decision of an appellate authority on any appeal under section 64 other than an appeal under clause (*a*) of sub-section (1) of the said section;" '

Sir, apart from the Government trying to seek power to grant temporary permit for a permanent line in future, here is another clause, clause (*a*) where in any person aggrieved of a refusal to from the State or Regional Transport Authority to grant permit, Government will be empowered to give temporary permit. In all other cases—(*b*), (*c*), (*d*), (*e*), (*f*) and (*g*) there is also appeal and the authority which receives the appeal has the power to grant a temporary permit. That is the object Sir. Here, as many Members rightly observed, renewals are done under several circumstances and renewal may be refused for some default on the part of the person or for some act of omission or commission and against this non-renewal, the party goes in appeal. He is the holder of licence and he has held it permanently. When it is in the stage of appeal, it is but proper that *status quo* should be maintained and in such circumstances, Government may have to be armed with a section of this kind to empower them to give relief from the hardship that may be caused. Therefore, Sir, while I do not agree to amend the powers for the grant of temporary permits for a permanent line, I have no objection to power being given as in the amendment and this amendment makes it quite clear that they will not have all such powers to relieve several difficulties coming in the course of the decisions of either the Regional Transport authority or the State Transport Authority. As was rightly observed by the Hon'ble Minister, I am told that the powers vested in the State Transport Authority for granting temporary permits on occasions like jatras, fairs and other purposes, are not being granted. Under such circumstances, for reasons best known to all of us and particularly to the Hon'ble Member from Kolar, it seems that that is the decision of that court. They have a right to decide that way. Therefore it is necessary that the Hon'ble Minister should have some powers to find out whether they have rightly refused or whether they have made a mistake.

ಶ್ರೀ ಪಿ. ಆರ್. ರಾಮಯ್ಯ.—ಈಗ ಟೆಂಪ್ರೊರೆರಿಯಾಗಿ ಕೊಡುತ್ತೀರಿ. ಒಂದು ಸಲ ನಾಲ್ಕು ತಿಂಗಳಿಗೆ ಕೊಟ್ಟರೆ ಪುನಃ ರಿನ್ಯೂ ಮಾಡಬಹುದೆ ?

Sri A. BHEEMAPPA NAIK.—You must only read the relevant section which is section 62 :

> "A Regional Transport Authority may at its discretion and without following the procedure laid down in section 57, grant permits, to be effective for a limited period not in any case to exceed four months, to authorise the use of a transport vehicle temporarily. . . ."

Sri P. R. RAMAIYA.—Is it going to be renewed on each application for a period not exceeding four months?

Sri A. BHEEMAPPA NAIK.—'Not in any case to exceed four months' means not in each case. There will be only one application in which the person aggrieved will ask for a temporary permit and that will be for a period not exceeding four months. Therefore, here as it stands :

"pending decision on an application for the renewal of a stage carriage permit or a public carrier's permit or pending the decision of an appellate authority on any appeal under section 64 other than an appeal under clause (*a*) of sub-section (1) of the said section."

The circumstances under which the provisions of section 64 are to be exercised have been given in clauses (*a*) to (*g*). If under this clause (*a*) an applicant has been refused a permit, on that there is no appeal. Even if

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there is an appeal, there shall not be a temporary permit in that case. This is the meaning of this amendment. Therefore, the possibility of danger, the possibility of favouritism and nepotism which would accrue to the authority has been now removed just as a *chelukondi* is removed from a *chelu*. Therefore, there is no danger. On the other hand, there are all the advantages that are necessary in the interests of the smooth running of the transport. I am also glad that even before this was removed, it was accepted both by the members of the Opposition and others, and in the Opposition the only person remaining is the member who is in the State Transport Authority, my friend from Kolar. I think he will accept. Therefore I hope the House will accept this.

Mr. SPEAKER.—Amendment moved:

'For the proposed clause *d*) of section 62, the following clause shall be substituted, namely,—

"(*d*) pending the decision on an application for the renewal of a stage carriage permit or a public carrier's permit or pending the decision of an appellate authority on any appeal under section 64 other than an appeal under clause (*a*) of sub-section (1) of the said section." '

Sri H. SIDDAVEERAPPA.—I believe, Sir, before the Hon'ble Member speaks, I wish to give answer to a relevant point raised by Sri Ramaiya under section 62. I want to clarify the position. Under section 62, it is no doubt true, it is frequently stated that a temporary permit in any case shall not exceed four months. This question came up for a judicial verdict in one of the appeals. So far as that is concerned, there are different interpretations. That is why, in section 64, what we want to have is, even if a temporary permit is given, that is only until the decision is given in that appeal. Take a case where the appeal takes four months and twenty days. If so, it does not necessarily mean that it has been delayed beyond four months. Further, if under such subterfuges, if any authority goes on extending a temporary permit, it shall be a capricious use of that power and not a judicious use of that power. Normally, it is to be presumed that temporary permit is purely for temporary purposes and the law says that temporary permits may not last for over four months. It may as well in some cases be just a few days this or that side. I have taken the opinion of the Advocate-General. His opinion is to the effect that it may in given cases even exceed a few days more than four months, and it could be done by another application.

Sri Mulka GOVINDA REDDY.—I want a clarification, Sir. The Hon'ble Member for Molakalmuru did not give any instance justifying the need for the second portion of this amendment. "Pending decision on an application for the renewal of a stage carriage permit or a public carrier's permit"—so far as this is concerned, it is all right. But the second portion is "or pending the decision of an appellate authority on any appeal under section 64 other than an appeal under clause (*a*) of sub-section (1) of the the said section." He has not clarified that position in order to justify it. I would like him or the Minister concerned to clarify that position and give instances where there is such need.

Mr. SPEAKER.—I think the Hon'ble Member explained that particular clause.

Sri Mulka GOVINDA REDDY.—He explained that if any regional transport authority or the State Transport Authority has refused the temporary permit—for example for a jatra—in that case, the powers that we are going to invest Government the or the State Transport Authority under amendment of section 64 of the Central Act will be enough to rectify such mistakes. Under section 62, to meet the need of a particular temporary jatra is a temporary need. If a permit is refused to be issued, the aggrieved party can go in appeal to Government and Government will be empowered under this amending clause, section 3, to issue a permit. So I am not quiet satisfied as to the need for this clause.

Sri A. BHEEMAPPA NAIK.—I do not know whether I made myself clear. "Pending the decision on an application for the renewal of a stage carriage permit or a public carrier's permit or pending the decision of an appellate authority on any appeal under section 64......"—the object of this amendment was to seek power for granting temporary permits, even under 64, when appeals are preferred. I have no objection to include the words "under any other circumstances" in clause (*a*) itself. The circumstances under clause (*a*) envisage seeking a temporary permit with respect to an original application itself. Here the other circumstances occur by the revocation or the suspension of the permission. There is the permanent permit holder. On some account, the permit is revoked. He is the holder of permit. Whether justice has been done or not is the question for which there is an appeal. Pending the disposal of the appeal, the Minister renews the permit. Therefore, a permanent permit is renewed anew that very decision is under question and there is an appeal. Under such circumstances, it is very necessary that the appellate authority should have such a right.

Similarly, sub-section (*c*) reads "aggrieved by the refusal to transfer the permit to the person succeeding on on the death of the holder of a permit." The holder is dead. His son or the nearest relative comes to the S.T.A. or the R.T.A. But there, they refuse. On the refusal, there is the appeal and the appellate authority is authorised to issue a temporary permit. Circumstances that are adumbrated here from (*b*) to (*g*) are such that in all those cases, there is the permit itself and in cases where either a punishment is awarded or some other condition is transgressed, under such circumstances, there is appeal. Pending the disposal of such an appeal, temporary permit is granted. The question is whether any damage would be done to the others where there is an appeal. Here it is not any one of those clauses which do to bring two parties together.

> "Aggrieved by the refusal of the S.T.A. or the R.T.A. to countersign a permit, or by any condition attached to such countersignature, or aggrieved by the refusal of renewal of a permit, or being a local authority or police authority or an association which, or a person providing transport facilities who, having opposed the grant of a permit, is aggrieved by the grant thereof or by any condition attached thereto. . . ."

Here there are two parties. One says he is not entitled to a permit and the other abuses. Here the grant or refusal question is there. Again there is an appeal. Even there, "by any condition attached thereto", the violation is there under only such circumstances. Here also there is a grant. It is not for the other person when there is an appeal for the grant of such a permit. Being a holder of licence who is aggrieved by refusal of S.T.A. to grant authorisation, there is the permit. He does not grant licencse to drive a public service vehicle. It is only under such circumstances when there is an appeal in that particular case for a temporary permit of four months, he is now authorised to issue temporary permits. These cases are not dangerous. The only case in which original licence comes into play is under sub-section (*a*), which is here avoided. Hereafter it will b · sub-section (1). Therefore, I hope that my friend is satisfied by my explanation.

Sri D. DEVARAJA URS (Hunsur).—My Hon'ble friend Sri Rajasekhara Murthy wants to continue his speech. Afterwards, I will speak.

Sri M. RAJASEKHARA MURTHY.—The objects of the amendments moved by my friend Sri Bheemappa Naik are two-fold. One of the objects is to take away the powers of the R.T.A. to issue a temporary permit when there is an application on pucca permit. Another object is to prevent the S.T.A. from issuing temporary permit when there is an application pending before them for pucca permit. Now I come to section 64 (*f*). What has been taken away by this amendment is given under this section 64 (*f*). Suppose Mr. X files an application for a permit before the R.T.A. Mr. Y objects to the grant of that permit. In spite of objections Mr. X gets that permit. Then Mr. Y files an appeal before the S.T.A. that the grant is illegal. At the same time he prays for stay order. The S.T.A. issues a stay order. The original decision is stayed. The appeal before the S.T.A. will be deemed to be an application for a permit. Now you are deleting section 64 (*a*) because you don't want that the R.T.A. or the S.T.A. should issue a temporary permit when there is an application pending for the grant of a pucca permit. Under 64(*a*) you are taking away that right from the Transport Authority to issue a temporary permit when there is an appeal pending before the S.T.A; the subject matter of which is to issue a pucca permit. Now you are conceding that right under 64 (f).

Sri H. SIDDAVEERAPPA.—Excuse me. If you read (*f*) properly perhaps what is worrying you will be dispelled. Under (*f*) the authority aggrieved will be the local authority or the police authority or an association which, or a person providing transport facilities who, having opposed the grant of a permit, is aggrieved by the grant thereof . . . " There is already a grant there.

Sri M. RAJASEKHARA MURTHY.—I will tell you how it is not a grant. Any person can object. Suppose a person objects to the grant of the permit. In spite of the opposition, the R.T.A. issues. As against that order, he files an appeal. In the appeal he prays for a stay order. The S.T.A. issues a stay order. Original status quo is restored and the subject matter before the S.T.A. is grant of a permit. How can it be empowered to issue a temporary permit when the issue of pucca permit is pending?

Sri H. SIDDAVEERAPPA.—The procedure followed in the issue of a temporary permit does not call for objections. It is only in the case of the issue of pucca permits that objections, if any, are called for. There is a particular procedure laid down. If you see section 62, it does not say before temporary permit is issued some objections are called for.

Sri M. RAJASEKHARA MURTHY.—I am not referring to temporary permit, but to pucca permit. You are giving some power under section (64) (*f*) . . .

Sri A. BHEEMAPPA NAIK.—That is the case. It is only an appeal under section 64. In an appeal, here are all the formalities that have to be gone through. What is the object in saying "to grant temporary permit before any formalities are gone through"? Here is a case where formalities are gone through ever since the grant has been made. Every person who opposes gives an appeal. So the authority is not transgressing the power; without looking into all the formalities that are to be gone through he is not granting a temporary permit. It is only after completing the formalities that a licence is granted. So even here it amounts to the grant of a licence, against which there is an appeal and you say that pending the decision the other person's status quo is restored. Even then it does not matter, because it is a new grant. Against that, the old person comes and appeals and his status quo is retained, but there is 'nothing' retained. The person who is to enter the field only remains over until the decision is given. There is no injury to either party. Therefore, even what is taken away in the other has not been given in this. I hope

(SRI A. BHEEMAPPA NAIK.)

that my friend sees and perhaps understands that after a little consideration.

Sri M. RAJASEKHARA MURTHY.—I am sorry my friend has not understood me correctly. In the amendment they have taken out the powers of the S.T.A. who could have exercised the powers under section 64 (*a*). The object of taking away the power under section 64 (*a*) is to prevent the State Transport Authority from issuing a temporary permit in an appeal the subject matter of which is the grant of a permit. You are taking away the power and giving the same power under section 64 (*f*). The party files an appeal before the S.T.A. stating that the grant of the permit is illegal. In the same application he prays for a stay order. The S.T.A. issues a stay order. Then the original status quo is restored. When the orginal status quo is restored, the subject-matter before the S.T.A. is the issue of a pucca permit. There you are taking away the powers of the S.T.A. to issue the temporary permit when the subject-matter is the issue of a pucca permit. When that subject-matter is in appeal, you want the S.T.A. not to exercise that power. Because the amendment clearly states I will read it once again :—" . . . pending the decision of an appellate authority on any appeal under section 64 other than an appeal under clause (*a*) of sub-section (1) of the said section.", So it can exercise the powers of issuing a temporary permit under any one of the clauses other than clause (*a*). Nothing prevents the S.T.A. from issuing a temporary permit under clause (*f*) of section 64. The appellate authority can issue a temporary permit under any one of the sections other than section 64 (*a*). Why do you prevent the S.T.A. from issuing a temporary permit under section 64 (*a*) ? Because, under section 64 (*a*) the subject-matter of the appeal is the issue of a pucca permit. Since the subject-matter is the issue of a pucca permit, you don't want the S.T.A. to issue a temporary permit under clause (*a*) of section 64. Even under section 64 (*f*) the subject-matter of the appeal is the issue of a pucca permit. When the issue of a pucca permit is the subject-matter of the appeal, you want the S.T.A. to issue a temporary permit. Under section 64 (*a*) you don't want the S.T.A. to issue a temporary permit because the subject matter is the issue of a pucca permit and at the same time you want the S.T.A. to issue a temporary permit under 64 (*f*) even though the subject-matter in the appeal is the issue of a pucca permit. How it is the issue of a pucca permit, I will show. When a person files an appeal to the S.T.A., the S.T.A. issues a stay order; then the *status quo* is maintained. The subject-matter before the S.T.A. is the issue of a pucca permit or the grant of a pucca permit. Why do you want the S.T.A. to issue a temporary permit under that clause ? That is point No. 1. The second point is: "aggrieved by the revocation or suspension of the permit or by any variation of the conditions thereof." Under that also, they can issue the temporary permit now whether there is any necessity for the issue of a temporary permit or not. Suppose the S.T.A. suspends a permit for overloading the bus. The person aggrieved files an appeal to the S.T.A. and the S.T.A. issues a stay order pending the decision of the appeal. Then the person continues to run the bus, till the appeal is decided. Then the question of issuing a temporary permit does not arise at all. I do not know why it should be retained. No. 2 : "aggrieved by the refusal to transfer the permit to the person succeeding on the death of the holder of a permit." That is the next clause under which the S.T.A. is empowered to issue a temporary permit. Whether such a contingency arises or not, let us see. Supposing a person files an application for the transfer of the permit. The R.T.A. refuses to transfer the permit to this person who is now appealing to allow him to continue to run the bus. The question of approaching the R.T.A. or the S.T.A. for the issue of a temporary permit there also does not arise at all. Next clause : "aggrieved by the refusal of renewal of a permit." The validity of the permit formerly was for three years and it was being renewed every

three months to make it convenient for the bus operators to pay the tax. That is why it was being renewed once in three months. Now according to the amendment made in the last session, the validity of the permit is only for three months. After three months they issue only a pucca permit. The question of renewing the permit does not arise at all. So when the question of issuing a permit does not arise at all, there is no question of issuing a temporary permit or exercising any authority to issue the temporary permit. Therefore, it is better to delete all the clauses instead of retaining it even in the amended form.

*ಶ್ರೀ ಡಿ. ದೇವರಾಜ ಅರಸ್.—ಸ್ವಾಮಿ, ಈಗಾಗಲೇ ಮಾನ್ಯ ಸಚಿವರು ಶ್ರೀ ಎ. ಭೀಮಪ್ಪ ನಾಯಕರು ತಂದಿರತಕ್ಕಂಥ ತಿದ್ದುಪಡಿಯನ್ನು ಒಪ್ಪಿಕೊಳ್ಳುತ್ತೇವೆಂದು ಒಂದು ಸೂಚನೆಯನ್ನು ಕೊಟ್ಟಿರುವುದರಿಂದ ಅವರು ಈ ತಿದ್ದುಪಡಿಯನ್ನು ಒಪ್ಪಿಕೊಂಡ ಹಾಗೆಯೇ ಆಯಿತು. ಅಂದಮೇಲೆ ಅವರನ್ನು ಬಾಕಿ ವಿಚಾರಕ್ಕೆ ಅಷ್ಟು ಒತ್ತಾಯಮಾಡಬೇಕಾದಂಥ ಅಗತ್ಯವೇನೂ ಇದ್ದ ಹಾಗೆ ಕಂಡು ಬರುವುದಿಲ್ಲ. ಮಾನ್ಯ ಸಚಿವರು ಈ ಬಿಲ್ಲನ್ನು ಸಭೆಯ ಮುಂದೆ ಮಂಡಿಸುವಾಗಲೂ ಮತ್ತು ಈಗತಾನೆ ಅವರು ಅಪ್ಪಣೆ ಕೊಡಿಸಿರತಕ್ಕಂಥ ಉತ್ತರದ ಪ್ರಕಾರ 'ಮತ್ತೆ ಮತ್ತೆ ಈ ಹಂಗಾಮಿ ಪರ್ಮಿಟ್‌ಗಳನ್ನು ಕೊಡತಕ್ಕಂಥ ಆವಶ್ಯಕತೆಯಿದೆ; ಆದುದರಿಂದ ಈ ಒಂದು ಅಧಿಕಾರ ಸರ್ಕಾರಕ್ಕೆ ಬೇಕಾಗಿದೆ' ಎಂದು ಹೇಳಿದ್ದಾರೆ. ಹೀಗೆ ವಿಧಿಯಿಲ್ಲದೆ ಇದನ್ನು ತರಬೇಕಾಯಿತು ಎಂದು ಹೇಳಿದರು. ಆದರೆ ಈಗಾಗಲೇ ಅನೇಕ ಮಾನ್ಯ ಸದಸ್ಯರುಗಳು ಏನು ಹೇಳಿದ್ದಾರೋ ಆ ಭಾಷಣದಲ್ಲಿ ಕೂಡ ಸ್ವಲ್ಪ ಅರ್ಥವಿದೆ. 'ಈಗ ಒಬ್ಬರಿಗೆ ಪರ್ಮನೆಂಟ್ ಪರ್ಮಿಟ್‌ಗಳನ್ನು ಕೊಡತಕ್ಕಂಥ ಸಂದರ್ಭದಲ್ಲಿ ಏನಾದರೂ ತಕರಾರುಗಳು ಬಂದಾಗ ಅವರಿಗೆ ಹಂಗಾಮಿ ಪರ್ಮಿಟ್‌ಗಳನ್ನು ಕೊಡತಕ್ಕದ್ದು ರೂಢಿಯಲ್ಲಿದೆ. ಹಾಗೆ ಮಾಡದೆ ಹೋದರೆ ಈಗ ಹಾಲಿ ರನ್ ಮಾಡುತ್ತಿರುವ ಬಸ್ ಮಾಲೀಕರುಗಳಿಗೆ ತೊಂದರೆ ಕೊಟ್ಟಹಾಗೆ ಆಗುತ್ತದೆಂದು ನನಗೆ ತಿಳಿದು ಬಂದುದರಿಂದ ನಾನು ಇದಕ್ಕೆ ಒಪ್ಪಿಕೊಳ್ಳಬೇಕಾಯಿತು' ಎಂದು ಅಪ್ಪಣೆ ಕೊಡಿಸಿದರು. ಈಗ ಶ್ರೀ ಭೀಮಪ್ಪ ನಾಯಕರು ತಂದಿರತಕ್ಕಂಥ ತಿದ್ದುಪಡಿಯಲ್ಲಿ ಸರ್ಕಾರದವರೇನು ಒಂದು ತಿದ್ದುಪಡಿಯನ್ನು ತಂದಿದ್ದರೋ ಅದು ಇದರಲ್ಲಿ ಸೇರಿಸಲ್ಪಟ್ಟಿದೆ—ಸರ್ಕಾರದವರು ತಂದಿರುವ ತಿದ್ದುಪಡಿಯಲ್ಲಿ ಹೀಗೆ ಹೇಳಿದೆ :

> "pending the decision on an application for the grant or renewal . . . ."

ಎಂದು ಇತ್ತು. ಈಗ 'ಗ್ರ್ಯಾಂಟ್' ಅನ್ನುವುದನ್ನು ತೆಗೆದುಹಾಕಿ ಬರಿ ರಿನ್ಯೂ ಅನ್ನತಕ್ಕಂಥ ಪದ ಒಂದಕ್ಕೆ ಮಾತ್ರ ಅವಕಾಶವಿರುವ ಹಾಗೆ ಈಗ ಶ್ರೀ ಭೀಮಪ್ಪ ನಾಯಕರು ತಮ್ಮ ಒಂದು ತಿದ್ದುಪಡಿಯನ್ನು ತಂದಿದ್ದಾರೆ. ಆದರೆ ನಾನು ಈ ಸಂದರ್ಭದಲ್ಲಿ ಸಲಹೆ ಮಾಡುವುದೇನೆಂದರೆ, ತಾವು ಮೊದಲು ಹಾಕಿದ್ದಂಥ for the grant of ಅನ್ನತಕ್ಕಂಥ ಪದವನ್ನು ಬಿಟ್ಟುಬಿಡುವುದಕ್ಕೆ ಒಪ್ಪಿಕೊಂಡಮೇಲೆ ಈ ಇಡೀ ತಿದ್ದುಪಡಿಯನ್ನು ತಾವು ಕೈಬಿಟ್ಟುಬಿಡುವುದರಿಂದ ತಮಗೇನೂ ತೊಂದರೆಯಾಗುವುದಿಲ್ಲ. ಈಗ ಯಾವುದಾದರೊಂದು ಪರ್ಮಿಟ್ಟನ್ನು ರಿನ್ಯೂ ಮಾಡಬೇಕಾದ ಕಾಲದಲ್ಲಿ ಅದನ್ನು ಈ R.T.A. ಮತ್ತು S.T.A. ಅವರು ಮಾಡಲಿಲ್ಲ ಎಂದು ಇಟ್ಟುಕೊಳ್ಳೋಣ. ಅದು ಅಕಾರಣವೇ ಆಗಿರಲಿ ಅಥವಾ ಸಕಾರಣವೇ ಆಗಿರಲಿ, ಹಾಗೆ ಅವರು ಆ ಪರ್ಮಿಟ್‌ನ್ನು ರಿನ್ಯೂ ಮಾಡುವುದಕ್ಕಾಗುವುದಿಲ್ಲವೆಂದು ಹೇಳಿದ ಕಾಲದಲ್ಲಿ ಅದನ್ನು ಸರ್ಕಾರಕ್ಕಾಗಲಿ ಅಥವಾ S.T.A. ಗಾಗಲಿ ತಾತ್ಕಾಲಿಕವಾಗಿ ಒಂದು ಪರ್ಮಿಟ್ಟನ್ನು ಕೊಡಬೇಕೆಂದು ಹೇಳಿದೆ. ಇದನ್ನು ತಾವು ಒಪ್ಪಿಕೊಳ್ಳುತ್ತೇವೆಂದು ಹೇಳಿದ್ದೀರಿ. ಈಗ ಈ ಟೆಂಪೊರೆರಿ ಪರ್ಮಿಟ್ಟನ್ನು ಕೊಡತಕ್ಕಂಥ ಸಂದರ್ಭವೇ ಏಳುವುದಿಲ್ಲ. ಈಗ ಈ R.T.A. ಅವರು ಆಯಾ ಜಿಲ್ಲೆಗಳ ಸರಹದ್ದಿನಲ್ಲಿ ಅವರ ಅಧಿಕಾರಕ್ಕೊಳಪಟ್ಟಿರುವ ಸರಹದ್ದಿನೊಳಗೆ ಅವರು ಟೆಂಪೊರೆರಿ ಪರ್ಮಿಟ್ಟುಗಳನ್ನು ಕೊಡುತ್ತಲೇ ಇದ್ದಾರೆ. ತಮಗೆಲ್ಲಾ ಗೊತ್ತಿರುವ ಹಾಗೆ ಈ ನಮ್ಮ ಶಾಸನ ಸಭೆಯ ಮುಂದೆ ಈ ಎರಡು-ಮೂರು ವರ್ಷಗಳಿಗೊಂದಾವರ್ತಿ ರಿನ್ಯೂ ಮಾಡತಕ್ಕಂಥ ಪದ್ಧತಿಯನ್ನು ತಪ್ಪಿಸಿ—ಇದನ್ನು ಮೂರು ತಿಂಗಳಿಗೊಂದಾವರ್ತಿ ರಿನ್ಯೂ ಮಾಡಬೇಕೆಂಬುದಾಗಿ ತಿದ್ದುಪಡಿ ಕೂಡ ತಂದು ಅದನ್ನು ಅಂಗೀಕಾರ ಮಾಡಲಾಗಿದೆ. ಈಗ ಎಲ್ಲಾ ಕಡೆಗಳಲ್ಲೂ ಈ ಪರ್ಮಿಟ್ಟುಗಳು ಮೂರು ತಿಂಗಳಿಗೊಂದಾವರ್ತಿಯಂತೆ ರಿನ್ಯೂ ಮಾಡಲ್ಪಡುತ್ತವೆ. ಸೆಕ್ಷನ್ 58ರ ಪ್ರಕಾರ ರಿನ್ಯೂ ಮಾಡತಕ್ಕದ್ದೂ ಕೂಡ ಪರ್ಮನೆಂಟ್ ಎಂದೇ ಇದೆ. ಹಾಗೊಂದುವೇಳೆ ಕೆಲವು ಕಾರಣಗಳಮೇಲೆ R.T.A. ಅವರು ನಾವು ರಿನ್ಯೂ ಮಾಡುವುದಕ್ಕಾಗುವುದಿಲ್ಲವೆಂದು ಹೇಳಿದರೆ ಮುಂದೆ S.T.A.ಗೆ ಅಪೀಲ್ ಹೋಗುವುದಕ್ಕೆ ಅವಕಾಶವಿದೆ. ಆಗ ಅವರು ಆ ಅಪೀಲಿನ ಕಾಲದಲ್ಲಿ ಸ್ಟೇ ಮಾಡಿದ ಪಕ್ಷದಲ್ಲಿ—the *status-quo* will be restored till that appeal is heard and disposed of. ಇದುವರೆಗೂ ಹಾಗೆ ರಿನ್ಯೂ ಮಾಡದೆ ಇದ್ದರೂ ರಿನ್ಯೂ ಮಾಡಿದಹಾಗೆ ಭಾವಿಸಬೇಕೆಂದು ಹೇಳಿರುವಾಗ ತಾವು ಈ ಬಸ್ ಮಾಲೀಕರುಗಳಿಗೆ ಟೆಂಪೊರೆರಿ ಪರ್ಮಿಟ್ ಕೊಡಬೇಕೆಂದು ಈಗ ಹೇಳುತ್ತಿರುವುದರ ಅರ್ಥವೇ ನನಗೆ ಗೊತ್ತಾಗುತ್ತಿಲ್ಲ.

ಶ್ರೀ ಎಚ್. ಸಿದ್ದವೀರಪ್ಪ.—ತಮ್ಮದು ಬಹಳ ದೊಡ್ಡ ಲಾಜಿಕ್.

ಶ್ರೀ ಡಿ. ದೇವರಾಜ ಅರಸ್.—ಈ ವಿಲೇಜ್ ಸ್ಕೂಲ್ ಮಾಸ್ಟರ್ ಎನ್ನತಕ್ಕ ಒಂದು ಪದ್ಯದಲ್ಲಿ ಒಂದು ಕಡೆ ಈ ರೀತಿ ಒಂದು ಡಿಸ್ಕ್ರಿಪ್ಷನ್ ಕೊಟ್ಟಿದ್ದಾರೆ :

> "Though vanquished, he continued to argue"

ಇದರಂತೆ ಈಗ ನಮ್ಮ ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ತಂದಿರತಕ್ಕಂಥ ತಿದ್ದುಪಡಿಯಲ್ಲಿ ಯಾವ ಜೀವಾಳವೂ ಇಲ್ಲದೆ ಅದು ಸಂಪೂರ್ಣವಾಗಿ ಸತ್ತುಹೋಗಿದ್ದರೂ ಕೂಡ ಅವರು ಇನ್ನೂ ಈ ಒಂದು ಅಮೆಂಡ್‌ಮೆಂಟ್ ಇರಲೆಂದು ಒತ್ತಾಯಪಡಿಸುತ್ತಿರುವುದು ಆ ಡಿಸ್ಕ್ರಿಪ್ಷನ್ನಲ್ಲಿ ಹೇಳಿದಂತೆಯೇ ಇದೆ. ಶ್ರೀ ಭೀಮಪ್ಪನಾಯಕರ ತಿದ್ದುಪಡಿ ಅಸ್ಥಿಪಂಜರವಿದ್ದಹಾಗೆ ಇದೆ.

Sri H. SIDDAVEERAPPA.—All right, assuming for the sake of argument that your statement is correct, it becomes superfluous and redundant,

(SRI H. SIDDAVEERAPPA.)

according to you. ತಾವು ಹೇಳುವ ಪ್ರಕಾರ ಇದು ಅಸ್ಥಿಪಂಜರ. ನಾನು ಹೇಳುವ ಪ್ರಕಾರ ಇದರಲ್ಲಿ ಜೀವವಿದೆ ಎಂದು. It only becomes superfluous and redundant. It won't be harmful to you.

ಶ್ರೀ ಡಿ. ದೇವರಾಜ ಅರಸ್.—ಹಾಗೊಂದು ವೇಳೆ ಇದು ಅಷ್ಟು ಸೂಪರ್‌ಫ್ಲೂಯಸ್ ಆಗಿದ್ದಾಗ್ಯೂ ಮತ್ತು ರಿಡಂಡೆಂಟ್ ಆಗಿದ್ದಾಗ್ಯೂ ಇದನ್ನು ತಾವು ಒಪ್ಪಿಕೊಳ್ಳುತ್ತೇವೆ, ಇದು ಇರಲೇ ಬೇಕು ಎಂದು ಹೇಳುವುದಾಗಿದ್ದರೆ ಆದಕ್ಕೆ ನನ್ನ ಅಭ್ಯಂತರವೇನೂ ಇಲ್ಲ.

2-30 P.M.

ಈಗಾಗಲೇ ಶ್ರೀಮಾನ್ ರಾಜಶೇಖರಮೂರ್ತಿಗಳು ಇದು ಹೇಗೆ redundant ಎಂಬುದನ್ನು ತೋರಿಸಿಕೊಟ್ಟಿದ್ದಾರೆ. ಅದರ ಜೊತೆಗೆ ಇದರಲ್ಲಿ redundant ಹೇಗಾಗಿದೆ, ಈ amendment ನಲ್ಲಿ it is doubly redundant ಹೇಗೆ ಎಂದರೆ, ಶ್ರೀಮಾನ್ ಭೀಮಪ್ಪನಾಯಕ್ಕರ ತಿದ್ದುಪಡಿ ಹೀಗೆ ಇದೆ :

"(*d*) pending the decision on an application for the renewal of a stage carriage permit or a public carrier's permit or pending the decision of an appellate authority on any appeal under section 64 other than an appeal under clause (*a*) of sub-section (1) of the said section."

ಸೆಕ್ಷನ್ 64 ತೆಗೆದು ನೋಡೋಣ. ಇದರಲ್ಲಿ sub-clause (*c*) ಲ್ಲಿನ ಏನಿದೆ ಎಂದರೆ, "aggrieved by the refusal of renewal of a permit" ಎಂದು ಇದೆ. ಶ್ರೀಮಾನ್ ಭೀಮಪ್ಪನಾಯಕರು ತಿದ್ದುಪಡಿಯನ್ನು ಸೂಚಿಸುತ್ತ permit renewal ಮಾಡುವಾಗ refuse ಮಾಡಿದ ಕಾಲದಲ್ಲಿ ಅಂಥವರು ಯಾರು ಅಪೀಲ್ ಹೋದರೂ ಅವರಿಗೆ temporary relief ಕೊಡುವುದಕ್ಕೆ ಮಾತ್ರ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ತರಬೇಕೇ ಹೊರತು permanent permit ಕೊಡುವ ಕಾಲದಲ್ಲಿ ಈ temporary permit ಕೊಡುವುದಕ್ಕೆ ಅವಕಾಶವಿರಬಾರದು ಎಂದು ತಿದ್ದುಪಡಿಯನ್ನು ತಂದಿದ್ದೇನೆಂದು ಹೇಳಿದ್ದಾರೆ. ಅದನ್ನೇ ಒಪ್ಪಿಕೊಳ್ಳುವುದಾದರೆ temporary ಎಂದು ಹೇಳಿದರೆ ಸಾಕಾಗುತ್ತದೆ.

"Pending the decision of an appellate authority on any appeal under Section 64 other than an appeal under clause (*a*), etc."

ಎಂದು ಹೇಳಿದರೆ ಮಾತ್ರ ಸಾಕು, ಮತ್ತು ಅವರು ಯಾವ ಉದ್ದೇಶದಿಂದ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ತಂದಿದ್ದಾರೆಯೋ ಆ ಉದ್ದೇಶ ಸಾರ್ಥಕವಾಗುತ್ತದೆ. ಇದರಲ್ಲಿ ಇನ್ನೊಂದು ವಾದವಿದೆ "pending the decision on an application for the renewal of . . . ." ಎನ್ನುವಾಗ ಇದು ಬರೀ ಅಪೀಲ್ authorities ಅಲ್ಲ Regional Transport Authoritiesಗೆ ಕೂಡ ಒಂದು ಅಧಿಕಾರವನ್ನು temporary ಯಾಗಿ ಕೊಡುವುದಕ್ಕೋಸ್ಕರ ಈ sentence ಸೇರಿಸಿದೆ ಎಂದು ಹೇಳಬಹುದು. ಇದು ಎಷ್ಟು anomalous ಆಗಿದೆ ಎಂಬುದನ್ನು ನೋಡಬೇಕಾಗಿದೆ. ಮೊದಲು refuse ಮಾಡುವಾಗ ಯಾರು either the State Transport Authority or the Regional Transport Authority, ಯಾವ permit S.T.A. ಅಧಿಕಾರದಲ್ಲಿ ಕೊಟ್ಟಿದ್ದಾರೋ ಅಂಥಾದ್ದು ಅವರ ಕೈಗೆ renewalಗೆ ಹೋಗಬೇಕಾಗುತ್ತದೆ. ಇಂತಹ ಸಂದರ್ಭದಲ್ಲಿ ಅವರು refuse ಮಾಡಬಹುದು. ಅಥವಾ Regional Transport Authority ತಮ್ಮ ಅಧಿಕಾರದಲ್ಲಿರುವ permitನ್ನು renew ಮಾಡುವ ಕಾಲದಲ್ಲಿ refuse ಮಾಡುತ್ತಾರೆ. "Pending the decision on an application" ಎಂದರೆ ಅರ್ಥವೇನು? Regional Transport Authority renew ಮಾಡುತ್ತಾರೆಯೋ ಅಥವಾ ಇಲ್ಲವೆಂದು ಹೇಳುತ್ತಾರೆಯೋ? Renew ಮಾಡುವ ಉದ್ದೇಶವಿರುವುದಾದರೆ appeal allow ಮಾಡಬೇಕೇ ಬಿಡಬೇಕೇ? ತಕ್ಷಣವೇ ಯೋಚನೆಮಾಡುತ್ತ ಕುಳಿತುಕೊಳ್ಳುವ ಸಂದರ್ಭ ಬರುವುದಿಲ್ಲ. ಒಂದು ವೇಳೆ ಸಂಬಂಧಪಟ್ಟ permit holder ಏನಾದರೂ ತಪ್ಪುಮಾಡಿದ ಪಕ್ಷದಲ್ಲಿ, conditions overlook ಮಾಡಿದ ಪಕ್ಷದಲ್ಲಿ, ತಪ್ಪು ಮಾಡಿದಾಗ ನಿಮ್ಮ permit renew ಮಾಡುವುದಿಲ್ಲವೆಂದು ಒಂದೇ ಮಾತಿನಲ್ಲಿ ಹೇಳಬಹುದು. ಈಗ ಯಾವ ರೀತಿ procedure ಇದೆ ಎಂಬುದನ್ನು ಕೂಡ ಸ್ವಲ್ಪ ವಿಶದಪಡಿಸಬೇಕಾದರೆ, ಮೂರು ತಿಂಗಳಿಗೆ ಒಂದು ಸಾರಿ permit renew ಆಗುತ್ತದೆ. Renewal application Regional Transport Authority renew ಮಾಡುವುದಕ್ಕೆ ಕಾಲಾವಕಾಶ ಜಾಸ್ತಿಯಾಗಬಹುದು ಎಂದು ಸಂಬಂಧಪಟ್ಟ executive officerಗೆ ಅಥವಾ ಡೆಪ್ಯುಟಿಕಮಿಷನರಿಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದಾರೆ. ಅವರು application ಬಂದಕೂಡಲೇ ಮಾಮೂಲಾಗಿ renew ಮಾಡುತ್ತಾರೆ. ಅಂಥದ್ದು ಎಷ್ಟು ಕೇಸು ಬಂದಿದೆ ಎಂದು ಸರ್ಕಾರದವರು ನಮಗೆ ಹೇಳಲಿ. ಬಹುಶಃ ಒಂದೂ ಇದೆಯೋ ಇಲ್ಲವೋ?

SRI H. SIDDAVEERAPPA.—I have got one astounding case of R.T.A. where you have the privilege of being the member and where such a situation has arisen.

SRI D. DEVARAJA URS.—It must be for valid ground. Anyway, in thousand and odd cases he is able to cite only one such case.

ಹೀಗೆ renewal ಮಾಡುವಾಗ pending the decision, Regional Transport Authority temporary ಯಾಗಿ permit ಕೊಡತಕ್ಕದ್ದೇನಿದೆಯೋ ಅದು that is doubly redundant ಎಂದು ಹೇಳಿದ ಹಾಗಾಗುತ್ತದೆ. Regional Transport Authorityಗೆ ಅಧಿಕಾರ ಕೊಡಬೇಕಾದ ಅವಶ್ಯಕತೆಯೇ ಇಲ್ಲ. ಇದ್ದರೆ renew ಮಾಡುತ್ತಾನೆ. ಇಲ್ಲದಿದ್ದರೆ ಇಲ್ಲವೆಂದು ಹೇಳುತ್ತಾನೆ. ಇಲ್ಲದೆ ಇದ್ದ ಪಕ್ಷದಲ್ಲಿ S.T.A. appellate authority ಇದೆ, ಅವರ ಮುಂದೆ ಅಪ್ಲಿಕೇಷನ್ ಬರುತ್ತದೆ. ಅವರು temporary ಯಾಗಿ grant ಮಾಡಬಹುದು; ಆಮೇಲೆ ಅಪೀಲ್ hear ಮಾಡಿ decide ಮಾಡಬಹುದು. R.T.A. ಆಗ ಅನಗತ್ಯ. ಸುಮ್ಮನೆ

ಇದು ತಲೆ ಶಿರೋಭಾರವೆಂದು ಹೇಳುವಹಾಗೆ ಇರಬೇಕಾಗುತ್ತದೆ.

Under section 64 "Pending the decision of an appellate authority under section 64 . . . ." ಮಾತ್ರ ಉಳಿಸಿಕೊಂಡರೆ ಸಾಕು ಎಂದು ಹೇಳಿದೆ. ಇದರಲ್ಲಿಯೂ ಕೂಡ appeal under clause (*a*) ಒಂದು ಮಾತ್ರ ಇರಬೇಕು ಎಂದು ಹೇಳಿದ್ದಾರೆ. ಇದನ್ನು ಕೂಲಂಕಷವಾಗಿ ಯೋಚನೆ ಮಾಡೋಣ. ಇದನ್ನು ಕೂಡ redundancy ಎಂದು ಹೇಳುತ್ತೇನೆ. 64ನೆ ಸೆಕ್ಷನ್‌ನಲ್ಲಿ ಅಪೀಲ್‌ಗಳಿಗಾಗಿ ಕೆಲವು sub-clauses ಇವೆ. ಇಂಥಿಂಥ ಕಾರಣಗಳಮೇಲೆ ಅಪೀಲುಗಳು ಹಾಕಬಹುದು ಎಂದು ಇದೆ. Temporary permit ಕೊಡುವ ಅವಶ್ಯಕತೆ ಇದರಲ್ಲಿ ಯಾವ sub-clause ನಿಂದ ಉತ್ಪತ್ತಿಯಾಗುತ್ತದೆ ಎಂಬುದನ್ನು ಮಾತ್ರ ನಾವು ನಿಗಾಇಟ್ಟುಕೊಂಡರೆ ಬಹುಶಃ sub-clause(*e*) ಮಾತ್ರ ಇಟ್ಟುಕೊಳ್ಳಬಹುದು ; ಬಾಕಿ ಎಲ್ಲವೂ ಕೂಡ 64ನೆ ಸೆಕ್ಷನ್‌ನಲ್ಲಿ ತೀರ ಅನಗತ್ಯ. ಈ ತಿದ್ದುಪಡಿಗಳನ್ನು ನೋಡಿದರೆ sub-clause (*a*) ಅವರೇ ಬಿಡುವುದಕ್ಕೆ ಒಪ್ಪಿಕೊಂಡಿದ್ದಾರೆ. ನಮ್ಮ ಉದ್ದೇಶ ಸಾಧನೆಯಾಗಬೇಕಾದರೆ sub-clause (*a*) ಬಿಡಬಹುದು.

Sub-clause (*b*)

> "(*b*) aggrieved by the revocation or suspension of the permit or by any variation of the conditions thereof;"

Suspend ಮಾಡಿದ್ದನ್ನು restore ಮಾಡುವಾಗ pending the decision of an appeal, the S.T.A. or any other appellate authority or Government can restore the permit temporarily. Here the question arises only with regard to the restoration of a permit suspended for a temporary period. During the appeal period, you can restore the permit by suspending the order of the lower authorities. Why do you require powers for giving a temporary permit? Where does that necessity arise, I want to know. That does not arise at all. ಆದ್ದರಿಂದ sub-clause (*b*) ಅನಗತ್ಯ.

> "(*c*) aggrieved by the refusal to transfer the permit to the person succeeding on the death of the holder of a permit, or"

ಇದು ಕೂಡ ಅನಗತ್ಯ. ಹೀಗೆ ಅಗತ್ಯತೆ ಉಳಿದಿರತಕ್ಕದ್ದು sub-section (*e*) ಮಾತ್ರ. ನಾವು ಈ ರೀತಿಯಾಗಿ ಒಂದು amendment ಮಾಡಿದರೆ ಅದು ಸರಿಹೋಗುತ್ತದೆ, redundancy ಆಗುವುದಿಲ್ಲ. ಏನು ಉದ್ದೇಶದಿಂದ ಆವಶ್ಯಕತೆ ಇದೆ ಎಂಬುದನ್ನು ಹೇಳುತ್ತೇನೆ. ಅದು ಸಂಪೂರ್ಣವಾಗಿ support ಆಗುತ್ತದೆ. "Other than appeal under clause (*a*)" ಎನ್ನುವ ಬದಲು "other than appeal under clauses (*a*), (*b*), (*c*), (*d*), (*f*) except (*e*)" ಎಂದು ಹಾಕಬಹುದು.

ಶ್ರೀ ಎಚ್. ಸಿದ್ದವೀರಪ್ಪ.—ಇನ್ನೂ ಸ್ವಲ್ಪ ಹೊತ್ತು ಕೇಳಿಬಿಟ್ಟರೆ ಇನ್ನೂ ಏನೇನು confusion ಮಾಡಿಬಿಡುತ್ತಾರೆಯೋ ಗೊತ್ತಿಲ್ಲ.

Sri D. DEVARAJ URS.—I am afraid that the Hon'ble Minister has a confused brain and much less is he in a position to confuse the House.

Clause (*f*) ನಲ್ಲಿ ಶ್ರೀಮಾನ್ ರಾಜಶೇಖರಮೂರ್ತಿಗಳು ಒಂದು ವಿಚಾರ ಹೇಳಿದರು. Clause (*a*) ನಲ್ಲಿ ಯಾವ power ತೆಗೆದುಹಾಕಿದರೋ ಅದನ್ನು clause (*f*) ನಲ್ಲಿ ಅದನ್ನು ಸೇರಿಸಿದ್ದಾರೆ ಎಂದು ಹೇಳಿದರು. ಅವರ ಒಂದು apprehension ಕಾರಣವಲ್ಲ, ಈ ನಾನಾ ವಾದದ ಪ್ರಕಾರ ಅದು ಅನಗತ್ಯವೆಂದು ಹೇಳುತ್ತೇನೆ. ಶ್ರೀಮಾನ್ ರಾಜಶೇಖರಮೂರ್ತಿಗಳು ಹೇಳುವ ಅಭಿಪ್ರಾಯದಲ್ಲಿ ಅನಗತ್ಯವಲ್ಲ. ನಾವು powers ಒಂದು ಕಡೆ ತೆಗೆದುಕೊಂಡು ಇನ್ನೊಂದು ಕಡೆ ತೆಗೆಯುವ ಅವಶ್ಯಕತೆ ಇಲ್ಲ. ಯಾಕೆಂದರೆ sub-section (*a*)

> "(*a*) aggrieved by the refusal of the State or a Regional Transport Authority to grant a permit."

The question here is the refusal to grant a permit. In sub-section (*f*), it is about granting a permit. It is not a question of refusal. It is simply granting a permit over which any person or authority who is aggrieved goes in appeal.

ಅದರಲ್ಲಿ temporary permit ಕೊಡಬೇಕಾದ ಪ್ರಶ್ನೆ ಬರುವುದಿಲ್ಲ. ಇದರಲ್ಲಿ ಒಂದಕ್ಕೊಂದಕ್ಕೆ ವ್ಯತ್ಯಾಸವಿರುವುದರಿಂದ different sections ಇವೆಯೇ ವಿನಾ ಶ್ರೀಮಾನ್ ರಾಜಶೇಖರಮೂರ್ತಿಗಳು ಹೇಳಿದಹಾಗೆ ಈ section ನಲ್ಲಿ ಏನು power ಇಟ್ಟುಕೊಂಡಿದ್ದಾರೋ section (*f*) ನಲ್ಲಿ ಆ power ಬರುತ್ತದೆ ಎಂದು ಹೇಳುವ ವಾದದಲ್ಲಿ ತಿರುಳಿಲ್ಲ. ಆದರೂ clause (*f*)ನಲ್ಲಿ ಅನಗತ್ಯವೆಂದು ಹೇಳುತ್ತೇನೆ. ಶ್ರೀಮಾನ್ ಸಿದ್ದವೀರಪ್ಪನವರು ಅದು ಇರಲೇಬೇಕು ಎಂದು ಹೇಳುವುದಾದರ ಅವರಿಗೆ ಇದನ್ನು ಎಲ್ಲಿ ತೆಗೆದುಹಾಕುತ್ತಾರೆಯೋ ಎಂಬ ಹೆದರಿಕೆ, confusion ಉಂಟಾಗಿದೆ. ಅವರು confusion ಇಟ್ಟುಕೊಳ್ಳುವುದರಿಂದ allay ಆಗುವುದಾದರೆ ನನ್ನ ಅಭ್ಯಂತರವಿಲ್ಲ. ಅಸ್ಥಿಪಂಜರವಿಟ್ಟುಕೊಂಡಹಾಗಾಗುತ್ತದೆಂದು ಮಾತ್ರ ಹೇಳುತ್ತೇನೆ.

ಶ್ರೀ ಎಚ್. ಸಿದ್ದವೀರಪ್ಪ.—Confuse ಮಾಡಿಬಿಡುತ್ತಾರೆಯೋ ಏನೋ ಎಂಬ ಭಯ. ಇನ್ನೂ confuse ಆಗಿಲ್ಲ.

ಶ್ರೀ ಡಿ. ದೇವರಾಜ ಅರಸ್.. Learned lawyer confuse ಆಗುವುದಾದರೆ ಲಾಯರ್ ಕೆಲಸ ಮಾಡದೆ ಇರುವ ನಾವು ಎಷ್ಟು confuse ಆಗಬೇಕು? ನಾನು ಧೈರ್ಯವಾಗಿ, ಖಚಿತವಾಗಿ ಹೇಳುತ್ತೇನೆ. ನಾನೇನೋ confuse ಆಗಿಲ್ಲ. ಅವರು confuse ಆದರೆ, I am sorry for it; ಇಷ್ಟು ಮಾತ್ರ ಹೇಳುತ್ತೇನೆ.

*Sri T. MARIAPPA (Mysore City—North).—Mr. Speaker, Sir, I entirely agree with my Hon'ble friend Sri Bheemappa Naik if his idea is to see that the Government are not invested with the power where it can be exercised either in a favourable manner in favour of certain parties or to the detriment of some people who have come up before them. But, Sir, my objection is that this amendment (d) goes ill with Section 62. In the Statement of Objects and Reasons, what is stated is this:

> "At present section 62 of the Motor Vehicles Act does not empower the transport authorities or appellate authorities to grant temporary permits in deserving cases pending disposal of applications for grant or renewal of permits or during the pendency of appeals."

Sir, Section 62 is only for a specific purpose. I want that to be clearly understood. Section 62 is for a specific purpose. "A Regional Transport Authority may at its discretion" and here is a very convenient phrase "and without following the procedure laid down in Section 57." They do not want these Authorities to follow the prescribed procedure in this case because the duration itself is temporary and for a specific purpose. Therefore, they empower these authorities with an express power to dispense with the procedure laid down and to grant permits "to be effective for a limited period not in any case to exceed four months, to authorise the use of a transport vehicle temporarily—(*a*) for the conveyance of passengers on special occasions such as to and from fairs and religious gatherings, or (*b*) for the purposes of a seasonal business, or (*c*) to meet a particular temporary need, and may attach to any such permit any condition it thinks fit." Sir if the object of the Government was to empower any authority having either the original or the appellate power, even in such cases, to grant a temporary permit or grant another temporary temporary permit, or renew a temporary permit, then the wording in clause (2) ought to have been entirely different. What is sought to be incorporated in this amendment is this: "Pending the decision on an application for the grant.' It is not stated 'grant of a temporary permit under section 62;' "or renewal of a stage carriage permit"; Sir, I believe, I respectfully submit to this House, that under Section 62, the question of renewal does not arise because the duration is for a definite period and for a definite purpose and it must automatically cease after the occasion is over, such as jatras or festivals or for a marriage purpose. Therefore, even if in the first instance temporary permit is granted for two months and they wanted renewal for another two months under Section 62, then the wording of the clause ought to have been entirely different. But even under this the Government wanted to take power and that is why they said:

> "Pending the decision on an application for the grant or renewal of a stage carriage permit or a public carrier's permit or pending the decision of an appellate authority under section 64."

They wanted to have a broader power which they do not have now under Section 64. Sir, the most logical course would have been to have a new Section to embrace not only Section 58, but Section 62 and Section 64 also. Otherwise, the amendment goes ill with Section 62. It would have made the meaning clear; it would not have created confusion, which it has created not only in the mind of Sri Devaraj Urs but also in my mind because you can very well see that in the case of renewal of a permit, it ought to have come under Section 58. Renewals come only under Section 58 because it is natural after the recent amendment that permit can be issued for a period of 3 months and renewed for another 3 months.

> "Notwithstanding anything contained in sub-section (1), the State Government may order a Regional Transport Authority or the State Transport Authority to limit the period to which any permit or

class of permits is issued to any period less than three years."

That is the amendment for Section 58. Sir, this is only to help nationlisation. Therefore if my friend wanted to have a power by which, when an appeal is pending, he could either renew or even grant a temporary permit, he ought to have inserted a new section altogether to embrace not only section 58, but also section 62 and section 64. The proposed clause is not even a main section or not even a proviso as is done in the case of old amendment. "Notwithstanding anything contained, so and so" it is not even that here. The very reading of this clause, Mr. Speaker, raises a doubt in my mind whether this is tenable. What is sought to be inserted in clause (*d*) as an amendment to section 62, can have only reference to the main section 62. Unless the whole meaning is made very clear either by means of a proviso or by means of a new section, the amendment sought to be introduced now as a new clause (*d*) could have only reference to section 62 and should be in harmony with the main idea underlying under section 62. Therefore the main idea in section 62 is this: A temporary permit can be granted without observing the formalities in three specific cases. Therefore section 62 does not apply to any renewals because the main ingredient of section 58 is: it is for a permanent permit and therefore renewal has come in there. But in the case of section 62, it is only the question of temporary permit; therefore, the question of renewal could not have been thought of while drafting section 62.

Sir, I make also a special appeal to my Hon'ble friend Sri K. Pattabhiraman who is serving on the State Transport Authority that whether clause (*d*) could well go with section 62?

Sri A. BHEEMAPPA NAIK.—Section 58 deals with the duration and renewal of permits. ". . . not less than three years and not more than five years . . ." It is only in such cases these renewals come under section 58. Therefore it is not a temporary permit that comes under section 58 but a permanent permit.

Sri T. MARIAPPA.—Sir, the question of three months duration need not be dragged in here. The question of permanent permit and temporary permit can be debated. The question of permanent permit comes under section 58, the question of temporary permit comes under section 62. If the framers of this Act had any idea of the renewals for a shorter period than four months, then they would have provided for this; as they have provided under section 58, they would have also provided for renewals here. So, what is sought in clause (*d*) there is an omnibus power so that if application is pending, it can be renewed on the request of the party. If that power is taken away, it does not go well with section 62. I request the Hon'ble Minister for Transport to kindly go through this aspect which I have raised. Because any sub-clause under a section must be in harmony with the main provision of the section and particularly when the clause itself is not complete. The sub-clause as it is reads as follows:—

> "(*d*) pending the decision on an application for the grant or renewal of a stage carriage permit or a public carrier's permit or pending the decision of an appellate authority under section 64."

If the question of renewal had been raised in the earlier part that would have read well. On this basis, Sir, I must say that this verv clause '(*d*)' is not happily put in in a proper place.

Sri A. BHEEMAPPA NAIK.—While giving this Bill, the extracts are printed here. In the abstract an old dilapidated thing is put in here. Should they not have given the amendment here instead of giving 58 (1) in page 9; they have not put in the amended thing. The old section has been recopied here. I would request the Hon'ble Minister for Transport to instruct the authorities to print the amended form also in future.

*Sri B. NARAYANASWAMY (Mysore City—South).—Sir, I have a doubt in my mind. Whether there can be any renewal of these temporary permits under section 58? The renewal can only be of a permanent permit. If the Hon'ble Minister would kindly read section 58, though it is made very clear that only permanent permits can be renewed, permit other than temporary permit can be renewed. As such, I think, there is good deal of force in what my friend Sri Mariappa has just now submitted, that the amendment to section 62 would go ill with the objects of section 62, because section 62 is very clear about the temporary permits. Under section 62, the authority concerned could give only temporary permit for a definite and specific purpose and that too for a limited period. Beyond that period there is no provision under the Bill or the Act to renew permits. The authority to renew the permit should be section 58. Section 62 is the power under which a temporary permit is given and for the renewal there is no provision. As such, the very amendment to section 62 for granting of or renewing of the temporary permit can be anamolous. I think the whole amendment and the Bill that is now being brought will be of no avail to Government, Sir, because Government or the Transport Authority want to have some power to grant temporary permit when it is in appeal before Government. When the question of renewal is not there, where is the question of granting temporary permit? As such, Sir, the very amendment should be changed.

If the Bill that is given to my hand is correct, it is stated here under section 58 (1) as follows:—

> "58 (1) A permit other than a temporary permit issued under section 62 shall be effective without renewal for such period, not less than three years and not more than five years, as the Regional Transport Authority may in its discretion specify in the permit:"

That is finally for a permanent permit.

Sri H. SIDDAVEERAPPA.—I think, it is better, I bring to the notice of the Hon'ble Members regarding section 58. I believe the Hon'ble Member for Molakalmuru said that I have given him some dilapidated thing to his hand. I wish he looks into the new thing I have put into his hand also. At Page 9, in is very clearly brought in.

"Provided that, other conditions being equal,"

> "(3) Notwithstanding anything contained in sub-section (1), the State Government may order a Regional Transport Authority or the State Transport Authority to limit the period to which any permit or class of permits is issued to any period less than three years".

I have brought it to your notice just to clear the doubts.

Sri B. NARAYANASWAMY.—There is no amendment limiting the period to three months. There is no provision for renewal of a temporary permit, Sir. I can challenge it, Sir. I can point out the Hon'ble Minister that there is no provision in the Bill or in the Act to renew the temporary permit. It is only a permanent permit that can be renewed. As such, how can the Government think of an amendment when there is no provision at all?

*Sri H. SIDDAVEERAPPA.—I belive, Sir, this point can be cleared. I think the Hon'ble Member was present when I explained that relevant point raised by Hon'ble Member Sri P. R. Ramiah regarding duration or the period of this temporary permit. Apart from that, what is contemplated by this amendment is, not renewal of temporary permit. Please lend me your ears, I shall be able to clarify the position. Now what happens, Sir, there is a case, where there is an application for renewal; for some reason, valid or invalid, the authority which has the right to renew the permit, refuses to renew. In such cases, if there is an appeal before the competent authority—may be the S.T.A. or the Government—under those circumstances where the Government feel that the permit

has not been renewed and that the permit ought to have been renewed, it is only under those circumstances that power is sought to give the temporary relief. It is not as though it is a question of renewing a temporary permit or renewing a temporary licence.

3 P.M.

I believe, the Hon'ble Member Sri T. Mariappa stated that this amendment ought to have come not under section 62, but independently, if I have understood him correctly. Now as I have made the point very clear during my reply to the general discussion; the idea is to amplify the scope of section 62. You may kindly see that there is no other provision under the Indian Motor Vehicles Act excepting section 62 which deals with temporary permit and that too under the sub-clauses specified, *viz.*, (*a*), (*b*) and (*c*). As a matter of fact, it has been worded as "temporary permit". There are decisions also to the effect that temporary permits will have to be issued only under section 62 and not otherwise. There are authorities to that effect. That too for a specific purpose. There are three specific purposes already mentioned in the main Act. (*d*) is a specific purpose. If the Government want to introduce this another specific purpose—what is a specific purpose is a point which has been made very clear, namely, the original grant is now sought to be taken away by the amendment. As my friend said, supposing there is an appeal before a competent authority, that competent authority would grant no temporary relief by way of temporary permit. It has been decided by various authorities, I do not know whether the Hon'ble Member was present when I read some of the decisions wherein they say very specifically, that no other authority has any power under section 62 to issue a temporary permit. Therefore, this is another change, a specific purpose which I want to incorporate in the Act by way of this amendment. As I have already said, it will be an amplification, an improvement or giving additional power or vesting additional power in the hands of certain authorities. I, therefore, feel that in the very scheme of things, I may bring it to the notice of my learned friend that, without the amendment proposed, no transport authority can issue a temporary permit. As a matter of fact, if I may disclose a piece of information, I was also present with the Law Secretary or the Law Department at Delhi when this clause was discussed with them. And then I may say I personally feel that (*d*) properly comes in under section 62. It is not that Sri Mariappa has said anything which in any way conflicts with the provisions of the Act. He only seems to feel that it could have been brought as section 62 A and it would have been better. Although it could have been done that way, I personally feel that there is nothing wrong in putting it in the present form also.

I believe I need not answer the other points raised by Sri Rajasekhara Murthy and Sri Devaraj Urs who seemed to feel that having conceded one point, you better take away the whole of it. I do not want it to be understood that I am saying it out of mere vanity. I do believe in the policy of live and let live. Sir, regarding other points, I feel the Hon'ble Mover of the amendment will I am sure, give a fitting reply.

Now the point is regarding 62 (*a*), in deference to the wishes of this House, I am prone to be convinced. I did bring an amendment expecting that there might not be any mischief. If the Hon'ble House is of the opinion that the power is likely to be abused and I am also liable to abuse it, I bow to the decision of this House and I accept the reasonableness of that argument and I do believe that it is better to agree to that suggestion. There is nothing wrong in it.

SRI V. M. MASCARENHAS (St. John's Hill).—Sir, tomorrow is Good Friday and I, therefore, request you and through you the Hon'ble Leader of the House, if it is possible to declare a holiday for this Assembly. It also happens that there is the Karaga Festival tomorrow in which everybody

(SRI V. M. MASCARENHAS.)

takes part. For this double reason, I appeal to you, Sir, to declare a holiday, if possible.

Sri K. HANUMANTHAIYA.—Sir, several representations have been made to me otherwise also. I find that the Government of India has also declared Good Friday as a holiday for the whole of India. There is also this additional fact of Karaga Festival in this place. Therefore, Government propose to declare it as a holiday throughout the State including this House, Sir.

Mr. SPEAKER.—The House will now rise and meet at 3-35.

The House adjourned at Five Minutes past Three of the Clock and re-assembled at Thirty-five Minutes past Three of the Clock.

[MR. SPEAKER in the Chair.]

*Sri Mulka GOVINDA REDDY.—Sir, the difference between the amendments suggested by the Government and the one that has been suggested by Sri A. Bheemappa Naik is in this: The amendment suggested by the Government reads as follows :

> "*Amendment of section 62 of Central Act IV of 1939.*—After clause (c) of section 62 of the Motor Vehicles Act, 1939 (hereinafter referred to as the principal Act), the following word and clause shall be inserted namely,—
>
> "or
>
> (*d*) pending the decision on an application for the grant or renewal of a stage carriage or a public carrier's permit or pending the decision of an appellate authority under section 64."

The amendment proposed by Sri Naik reads thus :

> (*d*) pending the decision on an application for the renewal of a stage carriage permit or a public carrier's permit or pending the decision of an appellate authority on any appeal under section 64 other than an appeal under clause (*a*) of sub-section (1) of the said section."

The difference consists in this: the words pending the decision '*for the grant*' has been deleted in the amendment of Sri Bheemappa Naik. If an appeal is pending under clause 64, under that condition also temporary permit may be issued according to the amendment proposed by the Government. But according to the amendment of Sri Bheemappa Naik, if an appeal is pending other than sub-clause (*a*) of section 64, temporary permit may be issued. Regarding the omission of clause (*a*) in section 64 of Mr. Naik's amendment, it is welcome. But I feel, Sir, that the words 'pending decision on a renewal of a stage carriage permit' is wholly unnecessary, Sir, because the Regional Transport Authority or the State Transport Authority which renews the permit may as well renew the permit instead of issuing the permit temporarily and then take a decision on the application for the renewal of a stage carriage permit. I really do not understand how it can facilitate the Regional Transport Authority or the State Transport Authority to give temporary permit instead of renewing the permit. We all know that the District Magistrate who is the Chairman of the Regional Transport Authority has been delegated powers to renew the permits. The Regional Transport Authority need not sit in a meeting to renew the permit. Automatically when an application is made for renewal of permit, the District Magistrate can renew the permit. When he is empowered under delegated authority by the Regional Transport Authority to renew the permit, what difficulty is there for the Chairman of the Regional Transport Authority to renew the permit ? Hence this clause "pending decision on an application for the renewal of a stage carriage permit or a public carrier's permit" is wholly unnecessary. If the R.T.A. has refused to renew the permit and the operator prefers an appeal to the S.T.A. against the orders of the R.T.A. there is provision

under section 64; and during the pendency of that appeal before the S.T.A. the amendment of Sri Bheemappa Naik empowers the S.T.A. to issue a temporary permit. If Sri Naik had stated in his amendment that when an application is pending in appeal under section 64 excepting a, b, c, d, e, f, g, under such circumstances, a permit may be issued, there would be some force in it, I can understand.

Sir, according to him, except cl.(a), under all circumstances of section 64, temporary permits may be issued under the amending clause of 62. 64 (b) says:

> " Any application of a person aggrieved by the revocation or suspension of the permit or by any variation of the conditions thereof, or"

Sir, for valid reasons, the State Transport Authority or the Regional Transport Authority might have revoked or suspended the permit issued to any operator. The concerned authority, the transport authority or the Government can on merits of the case decide to issue permit once for all instead of issuing a temporary permit. The very purpose for which the revocation or suspension of the permit was made by the S.T.A. or the R.T.A. will be defeated if the S.T.A. or the Government were to issue temporary permits.

Clause (*c*) of Section 64 says:

> " Any person aggrieved by the refusal to transfer the permit to the person succeeding on the death of the holder of a permit,"

Transfer of a permit on the death of the holder according to 61 will be made like this:

> " where the holder of a permit dies, the person succeeding to the possession of the vehicles covered by the permit may for a period of three months use the permit as if it had been granted to him."

So, without the transfer of the permit to the name of the owner of the vehicle in whose possession this vehicle will be, he can render service for a period of three months provided that such a person has within thirty days of the death of the holder informed the transport authority which granted the permit of the death of the holder and of his own intention to use the permit. The relevant section, section 61 reads thus:

> "Provided that such person has, within thirty days of the death of the holdor, informed the transport authority which granted the permit of the death of the holder and of his own intention to use the permit:
>
> Provided further that no permit shall be used after the date on which it would have ceased to be effective without renewal in the hands of the deceased holder.
>
> (2) the transport authority may, on application made to it within three months of the death of the holder of a permit, transfer the permit to the person succeeding to the possession of the vehicles covered by the permit."

Sir, according to clause 2 of section 61, within three months of the death of the holder of a permit, the permit will be transferred. The transport authority may transfer the permit and it may be transferred to the owner of that vehicle who comes in possession according to succession. And, according to section (1) of 61 where the holder is in the possession of the vehicle he can run the service for a period of three months; no difficulty will be experienced by a person succeeding to the vehicle. Hence this clause is unnecessary.

> " (*d*) aggrieved by the refusal of the State or Regional Transport Authority to countersign a permit or by any condition attached to such counter-signature"

Sir, this counter-signature of a permit generally means authorising issue of a fresh permit. Under those circumstances, the very object will be defeated when we have agreed to delete clause (a).

> " (*e*) agreed by the refusal of renewal of permit"

(SRI MULKA GOVINDA REDDY)

Here, in this particular case, though there may not be any reason for refusal for renewing a permit there may be some justification for having that safety clause.

Regarding (*f*)

> "being a local authority or police authority or an association which, or a person providing transport facilities who, having opposed the grant of a permit, is aggrieved by the grant thereof, or by any condition attached thereto"—

Sri Rajasekhara Murthy explained this provision at some length. Here, Sir, when two persons have applied for a permit to the R.T.A. and one Mr. X is granted, the other will have opposed the grant of permit to Mr. X. He goes in appeal to the S.T.A. The aggrieved person Mr. Y goes in appeal because Mr. X has been granted permit by the R.T.A. When Mr. Y goes in appeal against the grant of that permit to the S.T.A., and if the S.T.A. without deciding on the merits of the case, issues a temporary permit in favour of Mr.Y, a great injustice will be done. I can understand if a stay order is issued and *status quo* maintained, *i.e.*, the position where these two people were before the R.T.A. issued a permit in favour of one or the other. But if we invest the S.T.A. with this power of issuing a temporary permit in favour of a person who has been aggrieved by the decision of the R.T.A., the very purpose for which these R.T.As. and S.T.A. are constituted will be defeated. Hence, even under this clause (*f*), there is no need.

> "(*g*) being the holder of a licence, who is aggrieved by the refusal of a Regional Transport Authority to grant an authorisation to drive a public service vehicle"

Here, I do not understand why this clause should be necessary. For the issue of a driving licence—it is covered under some other provision of this Act. The issue of a temporary permit on an application pending decision according to section 64 (g) is I think uncalled for. I therefore oppose the amendment as moved by Sri Bheemappa Naik.

MR. SPEAKER.—Sri B. T. Kemparaj. May I request the Hon'ble Members not to repeat the arguments advanced by other members, but only to give new arguments or throw new light on the amendment? There are clear instructions in the Rules that repetitions should not be allowed.

*SRI B. T. KEMPARAJ (Bangalore South—Scheduled Castes).—Sir, it has been expressed by most of the members that clause (*d*) in section 62 is unnecessary and that it is superfluous. Many objections have been raised by my friends. On the other hand I find that there is a clear case for the inclusion of this clause. The R.T.A. cannot sit always just to give temporary permits. It is allowed under this Act. The Deputy Commissioner as the Chairman of the R.T.A. is empowered to issue the temporary permit for a period of four months as it is contemplated under section 62. So when exactly a temporary permit should be issued is the question for us which we have to consider seriously. In the usual course, whenever a person applies for the grant of a fresh route, that application will be sent to the Police Department and several other departments to find out whether there is a route which can be granted by the R.T.A. When that application comes before the R.T.A., the R.T.A. approves of that route. Then the next procedure as it is contemplated in the Act is that the Chairman of the R.T.A. should publish that route in the *Mysore Gazette*, thereby allowing the applicants to apply for that particular route. During that period there will be necessity and there will be urgency for the conveyance or the carriage for the public use. We have to take that interim period seriously into consideration. To fulfil the requirements, the demands of the public, the Regional Transport Authority should think of granting a temporary licence. So under such circumstances, it is necessary that a temporary permit should be issued. Again, Sir, there are permanent permits issued to several bus owners. Whenever bus routes are sanctioned, the several bus

owners—many of them—do not put their buses on the route. Under such circumstances, if there is no power to the Chairman of the Road Transport Authority to give a temporary permit, then also, there will be some difficulty. As it is expressed by some of our friends, when a temporary permit is cancelled by the R.T.A., the person whose application has been rejected by the R.T.A., may go in appeal, etc., that fact should also be taken into consideration. By the amendment moved by my learned friend Sri Bheemappa Naik, it limits the scope of giving these temporary permits by the Government. If confines, it limits the power of the grant of temporary permits to the R.T.A. and to the S.T.A., thereby limiting the scope of this clause which was being added to section 62. I wish to give a specific instance. Suppose there is a person who applies for a temporary licence to the R.T.A. His application having been rejected by the Deputy Commissioner, he may prefer an appeal to the S.T.A,, where also the application may be rejected. Then, there will be no room for him to go in appeal to the Government, thereby doing him injustice ; as it is, it has been allowed by the inclusion of clause (*d*) to section 62. \ Therefore, Sir, I personally feel that to add up clause (*d*) to section 62 is quite correct, and it gives the scope of giving these temporary permits when a person is disappointed.

Coming to the other side of the clause, it is essential for us to think that there will be quite a great deal of demand by the public from the several parts of the State for conveyances. When there is no power for these bodies to allow temporary permits, then there will be great difficulty to meet the emergency and the demand of the public. Therefore, I think it is high time for us that such a convenient clause is inserted in section 62, because this is the only section throughout the Act which can give room for any authority to sanction or issue temporary permits. Therefore, Sir, I feel that clause (*d*) is quite appropriate, legal and justifiable in the interests of the public.

(*Sri S. Gopala Gowda rose.*)

Sri N. HUCHMASTHY GOWDA (Huliyurdurga).—I move for closure, Sir.

Mr. SPEAKER.—The Hon'ble Member is on his legs.

*__Sri S. GOPALA GOWDA.__—I want to oppose this amendment. ನಾನು ಬೆಳಿಗ್ಗೆ ಈ ಮಸೂದೆಯ ಮೇಲೆ ಮಾತನಾಡುತ್ತಾ ಇರುವಾಗ ಸರ್ಕಾರದವರು ಸೂಚಿಸಿರತಕ್ಕ ತಿದ್ದುಪಡಿಗಿಂತ ಈ ತಿದ್ದುಪಡಿ ಪರಿಸ್ಥಿತಿಯನ್ನು ಉತ್ತಮಪಡಿಸುತ್ತದೆ ಎಂದು ಹೇಳಿ ನಾನು ತಿಳಿದುಕೊಂಡಿದ್ದೆ. ಆದರೆ ಅನಂತರದಲ್ಲಿ ಆದ ಚರ್ಚೆ ಮತ್ತು ಈ ತಿದ್ದುಪಡಿಯನ್ನು ಸೂಚಿಸಿರತಕ್ಕಂಥ ಮಾನ್ಯ ಸದಸ್ಯರು ಕೊಟ್ಟಂಥ ಕಾರಣಗಳನ್ನು ಕೇಳಿದಮೇಲೆ ಆ ರೀತಿ ಆಗುವುದಿಲ್ಲ ಎಂದು ಎನ್ನಿಸುತ್ತದೆ. ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಇದನ್ನು ಯಾವರೀತಿ defend ಮಾಡಿಕೊಂಡರು ಎಂಬುದನ್ನು ತಿಳಿದುಕೊಂಡ ಮೇಲೆ ಇದರ ಅವಶ್ಯಕತೆ ಇಲ್ಲ ಎಂದು ಬೆಳಿಗ್ಗೆ ಹೇಳಿದ್ದೆ. ಈಗ ಮತ್ತಷ್ಟು ಇದರ ಅವಶ್ಯಕತೆಯೇ ಇಲ್ಲ ಎನ್ನುವುದು ಮನದಟ್ಟಾಗಿರುವುದಲ್ಲದೆ ಇದು amplify ಮಾಡಬೇಕಾದ ವಿಷಯವೂ ಆಗುವುದಿಲ್ಲವೆಂದು ತೋರುತ್ತಿದೆ. ಏಕೆಂದರೆ ಟೆಂಪೊರೆರಿ ಪರ್ಮಿಟ್ಸ್ ಕೊಡುವುದು ಎಂಥ ಸಂದರ್ಭದಲ್ಲಿ ಎನ್ನುವುದನ್ನು ಚೆನ್ನಾಗಿ ವಿವೇಚನೆ ಮಾಡಿ ಕಾನೂನಿನಲ್ಲಿ ನಮೂದು ಮಾಡಿದ್ದಾರೆ. ಈಗ ಟೆಂಪೊರೆರಿ ಲೈಸೆನ್ಸ್ ಮೇಲೆ ಏನೊಂದು ಹಿಡಿತವಿದೆ ಅದು ಇಲ್ಲದೇ ಹೋಗುವ ಪಕ್ಷಕ್ಕೆ ಇನ್ನುಮುಂದೆ ಎಂಟು-ಹತ್ತು ಟೆಂಪೊರೆರಿ ಲೈಸೆನ್ಸ್‌ಗಳನ್ನು ತೆಗೆದುಕೊಂಡು ಬಸ್ಸುಗಳನ್ನು ಓಡಾಡಿಸುವುದಕ್ಕೆ ಷುರುಮಾಡಬಹುದು. ಆದ್ದರಿಂದ ಇದನ್ನು ಒತ್ತಾಯಮಾಡದೆ ಶ್ರೀ ಮಾನ್ ಭೀಮಪ್ಪನಾಯಕರು ಅವರ ತಿದ್ದುಪಡಿಯನ್ನು ವಾಪಸು ತೆಗೆದುಕೊಳ್ಳಬೇಕು ಮತ್ತು ಎರಡನೇ ತಿದ್ದುಪಡಿ ಏನಿದೆ ಅಪೀಲುಮಾಡುವುದು ಅದು ಒಂದೇ ಇದ್ದರೆ ಸಾಕು ಎಂದು ನಾನು ಹೇಳುತ್ತೇನೆ.

4 P.M.

Mr. SPEAKER.—Sri Bheemappa Naik, have you anything to say ?

ಶ್ರೀ ಎ. ಭೀಮಪ್ಪನಾಯಕ್.—ಈಗಾಗಲೇ ಅನೇಕ ಮಾನ್ಯ ಸದಸ್ಯರು ಈ ವಿಷಯದಲ್ಲಿ ತುಂಬ ಚರ್ಚೆ ನಡೆಸಿದ್ದಾರೆ. ಶ್ರೀ ಎಂ. ರಾಜಶೇಖರಮೂರ್ತಿಯವರೂ ಮತ್ತು ಶ್ರೀ ದೇವರಾಜ ಅರಸ್‌ನವರೂ ಇದರ ಅಗತ್ಯ ಅಷ್ಟಾಗಿ ಕಾಣುವುದಿಲ್ಲವೆಂದೂ ಮತ್ತು ಈ ತಿದ್ದುಪಡಿಯನ್ನು ಈ 62ನೆಯ ಸೆಕ್ಷನ್ನಿಗೆ ಸರಿಹೊಂದಿಸುವುದಕ್ಕೂ ಕೂಡ ಆಗುವುದಿಲ್ಲವೆಂದೂ ಅಪ್ಪಣೆ ಕೊಡಿಸಿದರು. ಆದರೆ ಹೀಗೆ ಇದು 62ಕ್ಕೆ ಸರಿಹೊಂದದೆ ಹೋದರೆ ಮತ್ತೆ ಯಾವ ಸೆಕ್ಷನ್ನಿಗೆ ಇದು ಸರಿಹೋಗುತ್ತದೆ ಎನ್ನುವುದನ್ನು ಅವರಿಗೆ ಹೇಳುವುದಕ್ಕೆ ಆಗಲಿಲ್ಲ. ಹೀಗೆ ಇನ್ನು ಕೆಲವರು ಕೆಲವು ರೀತಿಯಾಗಿ ಅಭಿಪ್ರಾಯಗಳನ್ನು ವ್ಯಕ್ತಪಡಿಸಿರುತ್ತಾರೆ. ಆದರೆ ಈಗ ಈ ಹಂಗಾಮಿ ಪರ್ಮಿಟ್ಟುಗಳನ್ನು ಯಾವ ಯಾವ ಸಂದರ್ಭಗಳಲ್ಲಿ ಕೊಡಬಹುದು ಎನ್ನುವುದಕ್ಕೆ ಮೂರು ಸಂದರ್ಭಗಳನ್ನು ನಮೂದಿಸಿದ್ದಾರೆ. ಅಂದರೆ ಸಾಧಾರಣವಾಗಿ ಈ ಜಾತ್ರೆ, ಪರಿಷೆ ಇತ್ಯಾದಿಗಳನ್ನು ಕೈಗೊಳ್ಳುವಾಗ ಹಂಗಾಮಿಯಾಗಿ ಲೈಸೆನ್ಸನ್ನು ಕೊಡಬಹುದೆಂದು ಹೇಳಿದೆ. ಅಥವಾ ಇನ್ನು ಬೇರೆ ಕೆಲವು ಸಂದರ್ಭಗಳಲ್ಲಿ ಕೇವಲ

(ಶ್ರೀ ಎ. ಭೀಮಪ್ಪನಾಯಕ್.)

ಕೆಲವಾರು ದಿನಗಳಿಗೆ ಯಾವುದೋ ಒಂದು ಹೊಸ ಲೈನಿಗೆ ಹಂಗಾಮಿಯಾಗಿ ಯಾರಾದರೂ ಲೈಸೆನ್ಸು ಬೇಕೆಂದು ಕೇಳಿಕೊಂಡರೆ, ಅವರಿಗೆ ಆ ಲೈನು ಗ್ರಾಂಟ್ ಆಗತಕ್ಕ ಸಂಭವವಿದ್ದು ಅವರ ಹೆಸರಿಗೆ ಪರ್ಮಿಟ್ ಆಗತಕ್ಕದ್ದು ನಿಧಾನವಾದಾಗ, ಅಂಥ ಸಂದರ್ಭಗಳಲ್ಲಿ ಹೀಗೆ ಹಂಗಾಮಿಯಾಗಿ ಲೈಸೆನ್ಸು ಕೊಡುವುದರಿಂದ ಮತ್ತು ಯಾವ ಅಪಘಾತಗಳೂ ಆಗುವುದಿಲ್ಲವೆಂದು ಕಂಡುಬರತಕ್ಕಂಥ ಸಂದರ್ಭಗಳಲ್ಲಿ ಹಾಗೆ ಹಂಗಾಮಿ ಲೈಸೆನ್ಸುಗಳನ್ನು ಕೊಡಲು ಅವರಿಗೆ ಅಧಿಕಾರವಿರತಕ್ಕದ್ದು ಅಗತ್ಯವೇ ಎನ್ನುವುದನ್ನು ಪರಿಶೀಲನೆ ಮಾಡಿದಾಗ ಅವರಿಗೆ ಹೀಗೆ ಹಂಗಾಮಿಯಾಗಿ ಲೈಸೆನ್ಸ್ ಕೊಡುವುದಕ್ಕೆ ಅಧಿಕಾರವಿರತಕ್ಕದ್ದು ಅಗತ್ಯ ಎಂದು ಸರ್ಕಾರಕ್ಕೆ ಕಂಡುಬಂದುದರಿಂದ ಮೇಲ್ಕಂಡ ಮೂರು ಸಂದರ್ಭಗಳಲ್ಲಿ ಹಂಗಾಮಿ ಲೈಸೆನ್ಸುಗಳನ್ನು ಕೊಡಬಹುದೆಂದು ಹೇಳಿದ್ದಾರೆ. ಈಗ ಯಾರೋ ಒಬ್ಬರು ಒಂದು ಜಾತ್ರೆಗೆ ಬಸ್ಸನ್ನು ಬಿಡಬೇಕಾಗಿರುತ್ತದೆಂದೂ ಅದಕ್ಕಾಗಿ ಟೆಂಪೊರೆರಿ ಪರ್ಮಿಟ್ಟನ್ನು ಕೊಡಬೇಕೆಂದೂ ಅರ್ಜಿ ಹಾಕಿಕೊಳ್ಳುತ್ತಾನೆ. ಆಗ ಆತನಿಗೆ ಸ್ಥಳದಲ್ಲಿರತಕ್ಕಂಥ ಅಧಿಕಾರಿಗಳು ಪರ್ಮಿಷನ್ ಕೊಡುವುದಿಲ್ಲವೆಂದು ಹೇಳಿದರೆ ಆತನು ಅಪಲೇಟ್ ಅಧಿಕಾರಿಗಳಿಗೆ ಅರ್ಜಿ ಹಾಕಿಕೊಳ್ಳಬಹುದು ಎಂದು ಮಾಡಿದ್ದೇವೆ. ಹಾಗೆ ಅದರಿಂದ ಏನಾದರೂ ಆತನಿಗೆ ತೊಂದರೆಯಾಗುವ ಹಾಗಿದ್ದರೆ ಆತನ ಅಪೀಲಿನ ಮೇಲೆ ಆತನಿಗೆ ಪರ್ಮಿಷನ್ ಕೊಡಬಹುದು ಇಂದು ಈಗ ಹೇಳಿದೆಯೇ ಹೊರತು ಇದನ್ನು ಅಂಗೀಕರಿಸುವುದರಿಂದ ಅಂಥ ಯಾವ flood gateನ್ನು ತೆರೆದಹಾಗೆ ಆಗುವುದಿಲ್ಲ, ಯಾವ ಬೆಳೆಯ ಮೇಲೂ ನೀರು ಹಾದು ನುಗ್ಗಿ ಹರಿದು ಹಾಳಾಗುವುದಿಲ್ಲ; ಅಂಥ ಸಂದರ್ಭಗಳು ಯಾವುವೂ ಇಲ್ಲಿರುವುದಿಲ್ಲವೆಂದು ಹೇಳುತ್ತೇನೆ. ಇಷ್ಟು ವಿಚಾರಕ್ಕೆ ಈ (ಬಿ)ಯಿಂದ ಹಿಡಿದು (ಜಿ) ವರೆಗೂ ಅದು ಅಗತ್ಯವಿಲ್ಲ, ಇದು ಅಗತ್ಯವಿಲ್ಲ ಎಂದು ಹೇಳಿದರು. ಆದರೆ ಹಾಗೆ ಪ್ರತಿಯೊಂದರಲ್ಲೂ ಅಗತ್ಯವಿದೆಯೆಂಬುದನ್ನು ತಿಳಿಸಬಹುದು.

Unless temporary permit is granted, mere stay order does not give him the right of running the vehicle.

ಈಗ ಯಾರಾದರೂ ಒಬ್ಬ ಬಸ್ ಮಾಲೀಕನ ವಿಚಾರದಲ್ಲಿ—ನೀನು ನಿನ್ನ ಬಸ್ಸಿನಲ್ಲಿ ನಾಲ್ಕು ಜನ ಪ್ರಯಾಣಿಕರನ್ನು ಜಾಸ್ತಿ ಹಾಕಿದ್ದೆ ಎಂದು ಒಂದು ಕೇಸನ್ನು ಹಾಕಿದಾಗ ಆತನು ನಾನು ಹಾಗೆ ಓವರ್ ಲೋಡ್ ಮಾಡಲಿಲ್ಲ ಎಂದು ಹೇಳಬಹುದು. ಆದಾಗ್ಯೂ ಆತನ ಪರ್ಮಿಟ್ಟನ್ನು ಈಗ ಸಸ್‌ಪೆಂಡ್ ಮಾಡುವುದಕ್ಕೆ ಅವಕಾಶವಿದೆ. ಹಾಗೆ ಮಾಡಿಯೂ ಮಾಡುತ್ತಾರೆ. ಈ ಟೆಂಪೊರೆರಿ ಪರ್ಮಿಟ್ಟುಗಳನ್ನು ರಿನ್ಯೂ ಮಾಡತಕ್ಕಂಥ ವಿಚಾರ ಈ ಸೆಕ್ಷನ್ 58ರಲ್ಲಿ ಹೇಳಿದ್ದಾರೆ. ಇನ್ನು ಈ ಸೆಕ್ಷನ್ 57ರಲ್ಲಿ ಇತರ ಕಾರ್ಯ ಕ್ರಮಗಳನ್ನು ಮಾತ್ರ ತಿಳಿಸಿದ್ದಾರೆ. ಸೆಕ್ಷನ್ 58ರಲ್ಲಿ ರಿನ್ಯೂ ಮಾಡತಕ್ಕಂಥ ವಿಚಾರ ಮಾತ್ರ ಇರುತ್ತದೆ. ಈ ಟೆಂಪೊರೆರಿ ಪರ್ಮಿಟ್ಟುಗಳನ್ನು ಕೊಡತಕ್ಕಂಥ ಸಂದರ್ಭಗಳು ಯಾವು ಯಾವವು ಇರುತ್ತವೆಯೋ ಅವೂ ಸಹಿತ ಟೆಂಪೊರೆರಿಯಾಗಿಯೇ ಇರುತ್ತವೆ. ಅಂದರೆ ಆಗಿನ ಸಂದರ್ಭಕ್ಕೆ ಅನುಸಾರವಾಗಿ ಅವು ಕೇವಲ ತಾತ್ಕಾಲಿಕವಾದವುಗಳಾಗಿರುತ್ತವೆ. ಅಂಥ ಸಂದರ್ಭಗಳಲ್ಲಿ ಈ ಸ್ಟೇ ಆರ್ಡರುಗಳನ್ನು ಕೊಟ್ಟರೆ ಅವುಗಳನ್ನು ರಿನ್ಯೂ ಮಾಡುವುದಕ್ಕಾಗುವುದಿಲ್ಲ. ಇದನ್ನು ನಮ್ಮ ಆ ಮಾನ್ಯ ಮಿತ್ರರು ತಿಳಿದುಕೊಳ್ಳಬೇಕು. ಈಗ ಮೂರು ತಿಂಗಳವರೆಗೆ ಈ ಸೆಕ್ಷನ್ 61ರ ಪ್ರಕಾರ ಟೆಂಪೊರೆರಿಯಾಗಿ ಪರ್ಮಿಟ್ ಕೊಡಲು ಅವಕಾಶ ಕೊಡಲಾಗಿದೆ ಎಂದು ಹೇಳಿದ್ದಾರೆ. ಆದರೆ ಈಗ ಯಾರಾದರೂ ಒಬ್ಬ ಬಸ್ ಮಾಲೀಕನು ಪೌತಿಯಾಗುತ್ತಾನೆಂದು ಇಟ್ಟುಕೊಳ್ಳೋಣ. ಆತನಿಗೆ ಅಣ್ಣ-ತಮ್ಮ, ಮಕ್ಕಳು ಎಲ್ಲರೂ ಇರುತ್ತಾರೆ. ಹೀಗಿರುವಾಗ ಆ ಬಸ್ ಲೈನನ್ನು ಹೊಸದಾಗಿ ಯಾರ ಹೆಸರಿಗೆ ವರ್ಗಾಯಿಸಬೇಕೆಂಬ ವಿಚಾರದಲ್ಲಿ ಅವರವರಲ್ಲಿ ಭಿನ್ನಾಭಿಪ್ರಾಯಗಳು ತಲೆದೋರಿದಾಗ ಪರ್ಮಿಟ್ ಕೊಡತಕ್ಕಂಥ ಅಧಿಕಾರಿಗಳು ನೀವು ಈ ಲೈನನ್ನು ಯಾರ ಹೆಸರಿಗೆ ಖಚಿತವಾಗಿ ವರ್ಗಾಯಿಸಬೇಕೆಂಬುದನ್ನು ನಿರ್ಧಾರ ಮಾಡಿಕೊಂಡು ಬರುವತನಕ ಪರ್ಮಿಟ್ ಕೊಡುವುದಕ್ಕಾಗುವುದಿಲ್ಲ ಅಂತ ಅವರು ಹೇಳಬಹುದು. ಆಗ ಅಂಥ ಸಂದರ್ಭಗಳಲ್ಲಿ ಒಂದು Status quo maintain ಮಾಡುವುದಕ್ಕೆ ಅವಕಾಶವಿರಬೇಕು. ಆದರೆ ಆ ಓನರ್ ಸತ್ತರೇನು ಬಸ್ ಹೇಗೂ ಅದೇ ರನ್ ಆಗುತ್ತೆ ಎಂದು ಶ್ರೀ ರಾಜಶೇಖರಮೂರ್ತಿಯವರು ಹೇಳಿದರು. ಆದರೆ ಇಂಥ ಸಂದರ್ಭಗಳಲ್ಲಿ ಅವರು ಅಪೀಲ್ ಬಂದರೆ ಅವರಿಗೆ ಅವರ ಪೊಸೆಷನ್ನನ್ನು ರೆಸ್ಟೋರ್ ಮಾಡಬೇಕಾಗುತ್ತದೆ. ಆದರೆ ಇದನ್ನು ಇಂಥ ಅನಿವಾರ್ಯ ಸಂದರ್ಭಗಳಲ್ಲಿ ಮಾತ್ರ ಉಪಯೋಗಿಸಲಾಗುತ್ತದೆಯೇ ಶಿವಾಯಿ ಎಲ್ಲಾ ಸಂದರ್ಭಗಳಲ್ಲೂ ಉಪಯೋಗಿಸುವುದಕ್ಕಾಗುವುದಿಲ್ಲ. ಈ ಅಲ್ಪಕಾಲಾವಧಿಯ ಪರ್ಮಿಟ್‌ಗಳು ಕೇವಲ ಒಂದು ಬಗೆಯ ರಿಲೀಫ್ ಕಾಂಗಾರಿಗಳಿದ್ದ ಹಾಗೆ. ಅದರೆ ಈ ಕ್ಲಾಜೇ ಬೇಕಾಗಿಲ್ಲ ಎನ್ನುವುದಾದರೆ ಆ ಮಾತು ಬೇರೆಯಾಯಿತು. ಆದರೆ, ಈಗಾಗಲೆ ಟ್ರಾನ್ಸ್‌ಪೋರ್ಟ್ ಮಂತ್ರಿಗಳು ಹೇಳಿರುವ ಹಾಗೆ, ಈ ತಿದ್ದುಪಡಿಯಿಂದ ಅಂಥ ತೊಂದರೆಗಳು ಯಾವವೂ ಇರುವುದಿಲ್ಲ. ಯಾವುದಾದರೂ ಅಂಥ ಅನಿವಾರ್ಯ ಸಂದರ್ಭಗಳು ಬಂದು ಸಾರ್ವಜನಿಕರಿಗಾಗಲಿ ಅಥವಾ ಬಸ್ ಮಾಲೀಕರುಗಳಿಗಾಗಲಿ ಅವರ ಹಿತಕ್ಕೆ ಧಕ್ಕೆ ಬರುತ್ತೆಂದು ಕಂಡುಬಂದಾಗ ಅಂಥ ಅನಾನುಕೂಲಗಳನ್ನು ತೆಗೆದುಹಾಕಿ ಅವರಿಗೆ ಹಂಗಾಮಿಯಾಗಿ ಆಗತಕ್ಕಂಥ ತೊಂದರೆಗಳನ್ನು ತಪ್ಪಿಸಬೇಕು ಎನ್ನತಕ್ಕಂಥ ಒಂದು ಸದುದ್ದೇಶದಿಂದ ಇದನ್ನು ಮಾಡಿರುವುದಾಗಿದೆ. ಈ ಕ್ಲಾಜ್ (ಬಿ) ಮತ್ತು (ಸಿ)ಗಳ. . .

ಶ್ರೀ ಕೆ. ಪುಟ್ಟಸ್ವಾಮಿ (ಶ್ರೀರಂಗಪಟ್ಟಣ).—ತೊಂದರೆ ಆಗಬಹುದು ಎನ್ನುವುದನ್ನು ಒಪ್ಪಿಕೊಂಡರೆ . . . .

ಶ್ರೀ ಎ. ಭೀಮಪ್ಪನಾಯಕ್.-ಈಗ ಬಸ್ ಮಾಲೀಕನಾಗಿರತಕ್ಕ ಒಬ್ಬ ಮನುಷ್ಯ ಸತ್ತುಹೋದರೆ ಆತನ ತರುವಾಯ ಆ ಬಸ್ಸಿನ ಪರ್ಮಿಟ್ಟನ್ನು ಆತನ ಮಗನಿಗೆ ಬದಲಾಯಿಸಬೇಕೋ ಅಥವಾ ಆತನ ಅಣ್ಣನಿಗೆ ಬದಲಾಯಿಸಬೇಕೋ ಎನ್ನತಕ್ಕ ಒಂದು ಹೆರಡಿಟರಿ ಹಕ್ಕಿನ ಪ್ರಶ್ನೆ ಉದ್ಭವಿಸಿದಾಗ ನೀವು ಹೈಕೋರ್ಟಿಗೆ ಹೋಗಿ ತೀರ್ಮಾನಮಾಡಿಕೊಂಡು ಬನ್ನಿ, ಅನಂತರ ನಾವು ಈ ಪರ್ಮಿಟ್ಟನ್ನು ಯಾರ ಹೆಸರಿಗೆ ಕೊಡಬೇಕೆಂಬುದನ್ನು ಇತ್ಯರ್ಥ ಮಾಡೋಣ ಎಂದು ಹೇಳಿದರೆ ಮತ್ತು ಅಂಥ ಸಂದರ್ಭಗಳಲ್ಲಿ ಅವರಿಗೆ ಹೈ ಕೋರ್ಟಿಗೆ ಹೋಗಲು ಅವಕಾಶವಿಲ್ಲದಿದ್ದಾಗ ಅವರಿಗೆ ತಾತ್ಕಾಲಿಕವಾಗಿ ಕಾರ್ಯನಿರ್ವಹಣೆ. . . .

Sri K. PUTTASWAMY.—He can be allowed to run the bus on his own permit by virtue of the stay order.

ಶ್ರೀ ಎ. ಭೀಮಪ್ಪನಾಯಕ್.—ಬರೀ ಸ್ಟೇ ಆರ್ಡರ್ ಮಾಡಿದರೆ ರಿನ್ಯೂ ಮಾಡಿದಂತೆ ಆಗಲಿಲ್ಲ. It cannot be done. Stay order does not

amount to renewal. Renewal is a temporary renewal under this Act that could be made, because final decision has not been given. That is why advisedly it is said "pending the decision." It comes under section 58—a temporary permit for a particular period.

Sri B. NARAYANASWAMY.—Under section 58, there is no provision for renewal of a temporary permit.

Sri A. BHEEMAPPA NAIK.—When there is a permanent permit held by him and when it is to be renewed temporarily for a period on account of certain causes metioned in section 64, temporarily he is granted a permit. The man is dead. It is no longer a permit in his name. The formalities are not necessary. (*Interruption*) After three months it is no longer a permit; till three months it is a permit. After the lapse of three months, it is no longer a permit. There is an appeal that the decision is incorrect.

Sri B. NARAYANASWAMY.—If only there is an application for a fresh permit and if that is rejected, there will be an appeal.

Sri A. BHEEMAPPA NAIK.—He is simply cross-examining. My friend thinks that after the lapse of three months it is no longer a permit. I say that the previous holder had the permit and after three months it has lapsed. Now here is a person who comes for regularising the thing. Under such circumstances, this temporary permit will have been given until decision is taken. Similar circumstances are mentioned herein. My friends conceive that there is no danger. The Transport Minister has just now said that it may be superfluous. But there is still some use. There is a necessity. If circumstances call for such a grant it will be made, not unnecessarily. I feel that there are circumstances which require such a grant. Therefore I press my amendment.

Mr. SPEAKER.—What does the Hon'ble Minister say?

*Sri H. SIDDAVEERAPPA.—I have heard with rapt attention the various arguments advanced for and against this amendment. The mover of the amendment has given his reasons as to why this amendment is preferred. If you keep in view the central point raised in the amendment, if say, that it is only in a specified and given case, this temporary permit must not be given. I believe, as I have already explained and which I need not repeat again, the amendment is a wholesome one. The amendment is really commendable. The Hon'ble Member does not wish to give more power through his amendment but wish to restrict the power proposed by the Government amendment. I also feel it is not superfluous. I did not concede at any moment that this amendment was superfluous. What I said was that even for the sake of argument conceding it was superfluous, it did not do you any harm. That is only for purposes of argument. I said that even if it was conceded, there was no harm. I believe this is a wholesome amendment and therefore I am glad to accept the amendment moved by the Hon'ble Member.

Mr. SPEAKER.—The question is:

> 'For the proposed clause (*d*) of section 62, the following clause shall be substituted, namely.—
>
> "(*d*) pending the decision on an application for the renewal of a stage carriage permit or a public carrier's permit or pending the decision of an appellate authority on any appeal under section 64 other than an appeal under clause (a) of sub-section (1) of the said section." '

The motion was adopted.

Mr. SPEAKER.—There is another amendment tabled by Sri Rajasekhara-murthy, which is not tenable for more than one reason. The effect of this amendment will be to nullify the clause. It also goes against the decision taken by the Assembly just now on the amendment introduced by Sri Bheemappa Naik. Therefore, it cannot be moved. I disallow the amendment.

I now put in the clause as amended to vote. The question is:

> "That Clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Mr. SPEAKER.—Clause 3. There is one amendment tabled by Sri Rajasekharamurthy in respect of this Clause, which is quite outside the scope of this amending Bill. Therefore, I will put Clause 3 to vote.

Sri Mulka GOVINDA REDDY.—I would like to know whether Sri Rajasekharamurthy had tabled his amendment before Sri Bheemappa Naik's amendment was tabled or whether he has tabled his amendment after Sri Bheemappa Naik has tabled his amendment.

Sri Kadidal MANJAPPA.—That is irrelevant.

Sri Mulka GOVINDA REDDY.—Not irrelevant. Just now you have taken a decision on Sri Bheemappa Naik's amendment. Automatically, Sri Rajasekhara Murthy's amendment which is counter to that amendment cannot be moved. That is what the Speaker said.

Mr. SPEAKER.—I caught the point raised by the Hon'ble Member. But even otherwise, it was communicated to him that the amendment was not in order. Therefore I said 'for more than one reason'.

Sri Mulka GOVINDA REDDY.—Thank you.

Mr. SPEAKER.—The question is:

"That Clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Mr. SPEAKER.—Clause 1. The question is :

"That Clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

Mr. SPEAKER.—Title and Preamble. The question is:

"That the Title and the Preamble stand part of the Bill."

The motion was adopted.

The Title and the Preamble were added to the Bill.

Motion to pass.

Sri H. SIDDAVEERAPPA.—I beg to move :

"That the Motor Vehicles (Mysore Amendment) Bill, 1955, as amended, be passed."

Mr. SPEAKER.—The question is :

"That the Motor Vehicles (Mysore Amendment) Bill, 1955, as amended, be passed."

The motion was adopted.

THE MYSORE TENANCY (SECOND AMENDMENT) BILL, 1954.

Motion to consider (contd.)

Mr. SPEAKER.—Now we shall take up the discussion on the Mysore Tenancy (Second Amendment) Bill, 1954. Sri Channabasappa will continue his speech.

ಶ್ರೀ ಎಚ್. ಎಂ. ಚನ್ನಬಸಪ್ಪ (ಪೆರಿಯಾಪಟ್ಟಣ).—ಸ್ವಾಮೀ, ಈ ಗೇಣಿದಾರರ ತಿದ್ದುಪಡಿ ಮಸೂದಾ ಕಾನೂನು ಬಗ್ಗೆ ಹೋದ ಸಲ ಮಾತನಾಡಿದಾಗ ಅದು premature ಎಂದು ಹೇಳುವುದಕ್ಕೆ ಎಷ್ಟು ಕಾರಣಗಳು ಬೇಕೋ ಅಷ್ಟು ಕಾರಣಗಳನ್ನೂ ಕೊಟ್ಟಿದ್ದೇನೆ. ಈ ತಿದ್ದುಪಡಿ ಮಸೂದಾ ಕಾನೂನನ್ನು ತರುವುದಕ್ಕೆ ಕಾರಣಗಳನ್ನು ಕೊಟ್ಟಿರುವುದನ್ನು ಸ್ವಲ್ಪ ಪರಿಶೀಲಿಸಿದರೆ ಆ ಕಾರಣಗಳು ಇವ್ವೊತ್ತು ಇವೆ ಎಂಬುದನ್ನು ತೋರಿಸಬಹುದು. Certain difficulties have been experienced by the landless tenants.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ (ಸಾಗರ—ಹೊಸನಗರ).—ಮಾನ್ಯ ಸದಸ್ಯರು ಪ್ರಾರಂಭದಿಂದ ಷುರು ಮಾಡುವಹಾಗೆ ಕಾಣುತ್ತದೆ.

Mr. SPEAKER.—He will only continue his speech. Any Hon'ble Member is entitled to bring to my notice any repetition in arguments.

*ಶ್ರೀ ಹೆಚ್. ಎಂ. ಚನ್ನಬಸಪ್ಪ.—ಸುಮಾರು 15 ದಿವಸದ ಮೇಲೆ ಆಗಿದೆಯಾದ್ದರಿಂದ ಅನೇಕವೇಳೆ ಯಾವ ಯಾವ ವಿಷಯಗಳನ್ನು ಪ್ರಸ್ತಾಪ ಮಾಡಿದ್ದೆವು ಎನ್ನುವುದು ಸ್ವಲ್ಪ ಮರೆಯುತ್ತದೆ. ತಮ್ಮನ್ನು request ಮಾಡಿಕೊಳ್ಳುವಾಗ ಕೆಲವು ಮುಖ್ಯ ಅಂಶಗಳನ್ನು ಪುನಃ ಹೇಳಬೇಕಾಗಿ ಬರುತ್ತದೆ. ಕೆಲವು ಕಷ್ಟಗಳು ಜಮೀನ್ದಾರರುಗಳಿಂದ ಮತ್ತು ಗೇಣಿದಾರರುಗಳಿಂದ ತಿಳಿದುಬಂದಿವೆ, ಅವನ್ನು ನಿವಾರಣೆ ಮಾಡುವುದಕ್ಕೋಸ್ಕರ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ತಂದಿದ್ದೇವೆನ್ನುವುದು ಒಂದು ಕಾರಣ, ಎರಡನೆಯದು;